

VERBATIM <sup>1</sup>RECORD OF TRIAL <sup>2</sup>

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

Headquarters and  
Headquarters Company,  
United States Army Garrison

(Unit/Command Name)

[REDACTED]

(Social Security Number)

U.S. Army

(Branch of Service)

PFC/E-3

(Rank)

Fort Myer, VA 22211

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

## Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

1 Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

2 See inside back cover for instructions as to preparation and arrangement.

ANSWER: (U) The prosecution submitted its Prudential Search Request to encompass the entire department- to include the Department of the Army. The DoD facilitated the prosecution's request to the Department of the Army. Additionally, HQDA took part in the planning process for the prosecution to submit its request through DoD.

306. Was there a prohibition against you contacting HQDA directly?

ANSWER: (U) No. OTJAG is part of HQDA; therefore, the prosecution did directly contact HQDA.

307. In July 2011, you had other emails with HQDA. Why did you not submit the memo to HQDA directly?

ANSWER: (U) The prosecution had knowledge that the DoD would be facilitating the prosecution's request through the appropriate channels, to include the Department of the Army. HQDA agreed that the request should be sent through DoD.

308. Did DOD act as a middleman in obtaining other discovery? (not including DOD discovery itself). If so, what other discovery did DOD act as a middleman for?

ANSWER: (U) No. The prosecution only corresponded with DoD for DoD discovery.

309. How did you keep track of what DOD was doing and what it "owed" you in terms of discovery?

ANSWER: (U) The prosecution coordinated with the OGC at DoD, and if the office directed the prosecution to other offices within DoD, we coordinated directly with them, such as the Joint Staff. As the prosecution coordinated with each subordinate organization it kept track of what information was being gathered and when it was being made available for the prosecution.

310. What was the suspense date on the original HQDA memorandum?

ANSWER: (U) The prosecution's initial Prudential Search Request to DoD included a suspense date of 1 August 2011.

311. When the suspense date came and went, did you follow up with HQDA? DOD? Any other entity?

ANSWER: (U) Yes. The prosecution sent multiple emails and had many phone calls with OGC, DoD to determine the status of the request, and coordinated directly with subordinate organizations to obtain the information at the direction of OGC, DoD.

312. On what date did DOD tell you that all responsive material had been compiled?

ANSWER: (U) On 4 October 2011, the prosecution retrieved the Joint Staff files responsive to the Prudential Search Request. On 27 April 2012, the prosecution retrieved the Army G2 files responsive to the Prudential Search Request. On 11 May 2012, the prosecution retrieved the Headquarters Department of the Army files responsive to the Prudential Search Request.

313. Did DOD provide an accounting of what information they were giving you? If so, in what form?

ANSWER: (U) The organizations provided all responsive material on compact discs.

314. When did you finish reviewing all this "responsive material"?

ANSWER: (U) The prosecution finished reviewing all responsive material to the Prudential Search Request on 10 July 2012.

315. On what date did you become aware that you did not receive any response from HQDA?

ANSWER: (U) 5 January 2012. Once all the initial material was received from DoD in the Fall, the prosecution started preparing for the defense briefs of the prosecution's case and the Article 32. After the completion of the Article 32, it started reviewing the information and identified that HQDA information was not contained within the DoD responsive material.

316. What did you do in reference to the missing HQDA documents at that point? When?

ANSWER: (U) On 5 January 2012, the prosecution contacted OGC, DoD.

317. You claim that on 5 January 2012, you contacted DOD who "advised the prosecution to contact HQDA directly to speed up the process." Is that true?

ANSWER: (U) Yes.

318. Did you contact HQDA directly at that point?

ANSWER: (U) The prosecution contacted Criminal Law Division, OTJAG, on 10 January 2012.

319. You claim on 10 January 2012 to have "emailed Criminal Law Division, Office of the Judge Advocate General, United States Army (hereinafter "OTJAG") to request an update, and was informed that OTJAG needed to contact DOD OGC for the inquiry." Why did you email Criminal Law Division after being told on 5 January 2012 to go to HQDA directly?

ANSWER: (U) The prosecution followed the exact instructions it was given, and contacted the HQDA legal representatives – OTJAG.

320. Why did you continue to involve OTJAG in the process for the next several months instead of working with HQDA directly?

ANSWER: (U) OTJAG is the legal representative of Headquarters, Department of the Army, therefore, the prosecution did coordinate directly with HQDA.

321. When did the revised HQDA memorandum get sent out (i.e. the second time)?

ANSWER: (U) The prosecution did not know of the existence of the HQDA memorandum until the defense provided it to the Court and the prosecution.

322. Was this an identical copy of the first HQDA memorandum?

ANSWER: (U) The prosecution was not privy to the tasking memoranda within HQDA.

323. Did the original HQDA memorandum from 29 July 2011 include the following language?

DOD OGC is requesting that HQDA search for and preserve any documents with material pertaining to: any type of investigation; working groups; resources provided to aid in rectifying an alleged compromise of government information damage assessments of the alleged compromise; or the consideration of any remedial measures in response to the alleged activities of PFC Manning and Wikileaks.

ANSWER: (U) The prosecution was not privy to the tasking memoranda within HQDA.

324. If yes, why does this language not appear in any other preservation request submitted, e.g., to the FBI, Department of State, ONCIX, etc.?

ANSWER: (U) The prosecution was not privy to the tasking memoranda within HQDA.

325. If no, why was this new language included in the second HQDA memorandum?

ANSWER: (U) The prosecution was not privy to the tasking memoranda within HQDA.

326. When did HQDA receive all responsive documentation to the second HQDA memorandum?

ANSWER: (U) On 23 April 2012, OTJAG notified the prosecution that it had started receiving responsive information.

327. When did HQDA provide the responsive documentation to you?

ANSWER: (U) On 11 May 2012, the prosecution received all responsive information.

328. When did you review the HQDA information? Please provide specific dates.



ANSWER: (U) From 30 June 2012 to 1 July 2012, the prosecution completed its review of records responsive to the DoD Prudential Search Request, including Joint Staff and Headquarters, Department of the Army, material.

329. How many responsive documents did HQDA provide you with?

ANSWER: (U) The prosecution received approximately 17,000 pages of documents from the Department of the Army. Additionally, the prosecution received approximately 37,000 pages of documents from DoD (excluding HQDA).

330. When did you request authority to disclose the HQDA documents to the Defense?

ANSWER: (U) On 28 June 2012, the prosecution met with representatives from HQDA and the Joint Staff to discuss streamlining a process for approvals of any documents being disclosed to the defense under the Court's order. After finishing the review, the prosecution submitted all the discoverable documents for approval on 5 July 2012.

331. When did HQDA approve of that request?

ANSWER: (U) The Army G2 approved disclosure of HQDA, DoD, Joint Staff, USCENTCOM, USSOUTHCOM, and other DoD information on 30 July 2012.

332. When were all the HQDA documents produced to the Defense?

ANSWER: (U) Unlike other organizations, HQDA approved disclosure without any requirements to file MRE 505(g) motions; therefore, the prosecution delivered the discoverable material on 2 August 2012, along with material from DoD, the Joint Staff, USCENTCOM, USSOUTHCOM, and DIA (BATES #: 00449943-00479483).

333. Please explain this entry in your Chronology: "30-Jun-11 Thu Prosecution reviews HQDA records responsive to prudential search request to DoD but not TS-SCI records responsive to the prudential search request."

ANSWER: (U) From 30 June 2012 to 1 July 2012, the prosecution completed its review of records responsive to the DoD Prudential Search Request that were unclassified or classified at the SECRET level. The prosecution reviewed approximately 13,000 documents. The prosecution reviewed all TS-SCI records responsive to the request on 10 July 2012.

#### **Other Closely Aligned Agencies and Prudential Search Requests**

334. Please provide a list of every agency that you sent a "prudential search request" to and when. In this list, please provide the original suspense date for the agency to respond. Do not include the 63 agencies that were contacted for the ONCIX damage assessment.

[REDACTED]

335. From documentation already provided, it appears that these search requests were sent no earlier than May 2011, one year after the accused was placed in pretrial confinement. Why did you wait one year before sending out prudential search requests?

ANSWER: (U) It did not make sense to send the requests at an earlier time. From May 2010 until May 2011, WikiLeaks continued to release compromised information which led to additional charges being preferred and a broader investigation into the accused's misconduct. The prosecution understood the importance of preserving any discoverable material as soon as possible and, in consultation with the Department of Justice, began preparing a Prudential Search Request to capture this intent.

336. Could relevant information have been destroyed in this one year?

ANSWER: (U) Not likely. The material sought by the defense in discovery requests, and by the prosecution in its Prudential Search Requests, did not exist in May 2010. The disclosures were ongoing and the investigations were ongoing. The Prudential Search Requests were designed to preserve any information created before trial so that the prosecution could conduct Brady reviews and reviews of potentially discoverable material relating to the accused and WikiLeaks.

337. To your knowledge, was relevant information destroyed in this one year?

ANSWER: (U) No.

338. If not, then please explain the following: "Furthermore, please take steps to preserve materials related to PFC Manning and/or WikiLeaks from any routine data destruction practices."

ANSWER: (U) The prosecution included this language because the accused's misconduct took place in a deployed setting where commands tend to adopt routine data destruction practices and the prosecution was not aware at the time of what each organization's routine practices included.

339. Do any of the agencies that you contacted have "routine data destruction practices"? If so, which ones?

ANSWER: (U) The prosecution is not aware of any routine data destruction practices exercised with any information pertaining to this case.

340. Could the documents pertaining to the Department of State's reporting to Congress have been destroyed pursuant to routine data destruction practices?

ANSWER: (U) The prosecution is not aware of any routine data destruction practices exercised with any information pertaining to this case at the Department.

341. Were there any agencies/organizations that you contacted to provide discovery, but that you did not submit a prudential search request to? If yes, please list all agencies, the date you contacted them, how you contacted them, the date they produced information, the date you reviewed information, and the date you disclosed that information to the Defense.

ANSWER: (U) The only agencies/organizations that the prosecution contacted to provide discovery, but that it did not submit a Prudential Search Request to, are those organizations contacted by ONCIX not previously identified as having been sent such a request.

342. Do you think that your prudential search requests are synonymous with a request for Brady material? In other words, are these the same as your Brady requests?

ANSWER: (U) The Prudential Search Requests were broader in scope than a request for Brady material. Any Brady material would necessarily be responsive to the Prudential Search Request.

343. If not, please provide dates when you send a request for Brady to each agency. Also, please provide a copy of your Brady request.

ANSWER: (U) Not applicable.

344. If these prudential search requests are your request for Brady, did you mention the word "Brady" or R.C.M. 701(a)(6) in the prudential search requests?

ANSWER: (U) No. See above #133 and 342.

345. If not, why not?

ANSWER: (U) The prosecutors in a criminal case are best suited to gauge whether information qualifies as Brady, especially regarding potentially exculpatory information. Brady determinations under Williams are made by the prosecution and not other organizations.

346. What part of the prudential search requests refers to Brady? Please identify specific language.

ANSWER: (U) The request for "any information held by [the respective] agency, which concerns or references [the accused] and/or WikiLeaks." The request specifically sought "any information directly concerning [the accused] including but not limited to any documents that discuss damage or harm caused by [the accused] and WikiLeaks[.]"

347. Please explain how this specific language asks for Brady material.

ANSWER: (U) The request is broader than what is required under Brady. Any Brady material would necessarily be responsive to the Prudential Search Request.

348. You ask in your search request that the agencies preserve and produce documents that "discuss damage or harm caused by PFC Manning." Did you ever ask for documents which discuss a lack of harm or damage caused by PFC Manning?

ANSWER: (U) The prosecution requested any documents that discussed damage or harm. The request was not limited solely to documents showing actual harm. Instead, the request includes documents showing actual damage or harm and documents showing lack of damage or harm. Further, the request asked organizations to err on the side of preserving material. Again, the prosecution's request necessarily includes any Brady material because the request includes any documents relating to the accused and/or WikiLeaks. Also, all requests were submitted after extensive discussions with each organization that included explaining that damage or harm included lack thereof or minimal levels of harm.

349. In your preservation requests, you referred to PFC Manning's Article 46 rights. Why did you not refer to Brady?

ANSWER: (U) The prosecution referenced Article 46, UCMJ, the Rules for Courts-Martial, and applicable case law. Article 46, UCMJ, serves as the basis for broad discovery in the military justice system. See above responses for why the requests included Brady material (#342-348).

350. You state in your search request, "This request is designed to allow the prosecutors to assess the totality of information available and held as records by other government agencies." You do not state that the request is designed to provide Brady discover to the Defense (in fact you state, "It is not intended to, nor should it be interpreted as, ascribing any legal relevance, including whether such information may be provided in discovery to the information requested.). Were these search requests designed to compile evidence for your case-in-chief?

ANSWER: (U) These requests were designed to encompass a broad spectrum of information, including that which is discoverable under Brady and other rules of discovery. The main purpose was to understand what type of Brady information exists within the United States Government.

[REDACTED]

351. In your search request you ask for "certain information, detailed below, which directly implicates the evidence in the above-referenced case." What does this mean?

ANSWER: (U) The prosecution's request was two-fold: first, to preserve any records relating to the accused and/or WikiLeaks; and second, to preserve any records relating to the evidence in this case. The prosecution requested any records relating to the evidence in this case because such records may be discoverable, even though those records may not readily be related to the accused and/or WikiLeaks (e.g., IP addresses).

352. Did you ever specifically ask any agency for documents or evidence which reasonably tends to negate guilt, reduce guilt, or reduce punishment? If so, how did you ask these agencies? Please provide a list of agencies, and how and when the communication took place.

ANSWER: (U) See above #342-350.

353. The first reference to Brady in your chronology is after you submitted your prudential search requests ("9-Jun-11 Thu PTA and Brady research/memo"). Why did you wait over one year to research Brady?

ANSWER: (U) The prosecution did not wait over one year to research Brady. The prosecution started researching its Brady obligations within 30 days of receiving the case from Iraq. The prosecution researched specific discovery issues as they arose throughout the pretrial process. The specific entry referenced above related to whether the accused may waive discovery as part of a pretrial agreement.

354. Why did you send out preservation requests without researching Brady?

ANSWER: (U) The prosecution did not send out preservation requests without researching Brady. The prosecution researched discovery issues, to include Brady, well before it sent out the Prudential Search Requests.

355. After your May 2011 (or thereabouts) prudential search request, did you ever follow-up with the agencies to ask why you had not received any responsive documentation? Please provide a list of agencies, the dates you contacted them, and the substance of the communications. If in writing, please provide documentation.

[REDACTED]

[REDACTED]

356. Did any of the agencies meet the original suspense dates? If yes, please provide details and dates.

ANSWER: (U) No.

357. For those agencies that did not meet the original suspense dates, did you contact them? If yes, when? Please provide a list of each agency, when the communication took place, and what the substance of the communication entailed. If in writing, please provide documentation.

ANSWER: (U) See above #355.

358. Why did you send out the exact same search request to DIA on 25 March 2012 and 14 June 2012?

ANSWER: (U) The requests dated 25 May 2011 and 14 June 2011 were not identical. The request dated 25 May 2011 requested that the organizations preserve records responsive to the prudential search request, as well as any other records discovered that may not be responsive. Many organizations were confused how to answer the first request. In consultation with the Department of Justice, the prosecution redefined its request on 14 June 2011 to include those records relating to the accused and/or WikiLeaks.

359. How many other duplicative search requests did you send out? Please list each agency and the dates that the duplicative search requests were sent out.

[REDACTED]

360. Why did you keep sending the same requests to these agencies?

ANSWER: (U) See above #358 and 359.

361. Other than these duplicative requests, did you ever contact the agencies to inquire as to the progress in collecting the requested information? If yes, please provide details. In particular,

please provide the list of agencies you contacted, when you contacted them, what the discussion entailed. Please provide documentary evidence to this effect.

ANSWER: (U) See above #355.

362. Did you ever ask any agency how they were collecting the responsive information? If yes, explain and provide documentation.

ANSWER: (U) The prosecution frequently inquired about the status of its Prudential Search Requests, to include the steps taken by the organizations to gather records responsive to the request.

363. Did you ever ask any agency how many people they had asked to collect this information? If yes, explain and provide documentation.

ANSWER: (U) No.

364. Did you ever ask for updates on when you should expect the discovery? If yes, explain and provide documentation.

ANSWER: (U) The prosecution frequently inquired about the status of its Prudential Search Requests, to include what, if any, progress was being made. All documentation, if any, that the prosecution has authority to provide or will reference during the motions hearing has been provided to the defense.

365. Did you ever communicate with any agency about PFC Manning's right to a speedy trial? If yes, explain and provide documentation.

ANSWER: (U) The prosecution prepared a memorandum for each of the organizations that explained the right to a speedy trial in the military justice system. All documentation, if any, that the prosecution has authority to provide or will reference during the motions hearing has been provided to the defense.

366. Did any agency provide you with an explanation as to what was taking so long to collect the documents? If yes, explain.

ANSWER: (U) The prosecution frequently inquired about the status of its Prudential Search Requests, to include the steps taken by the organizations to gather records responsive to the request and what, if any, progress was being made.

367. Did you ever attempt to gather this information for disclosure prior to the Article 32 hearing?

ANSWER: (U) Pre-referral, the prosecution submitted its Prudential Search Requests to all government organizations for which it had a good faith basis may have records or information relating to the accused and/or WikiLeaks. The prosecution submitted these

requests pre-referral, so that any discoverable material that did not require a military judge to regulate may be disclosed to the defense as soon as possible.

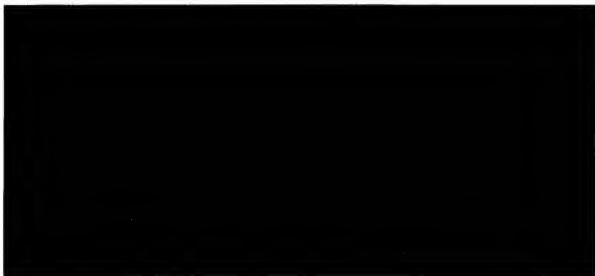
368. Was any evidence from any prudential search request produced to the Defense prior to the Article 32 hearing?

ANSWER: (U) No.

369. When did each agency provide you with responsive documents? Please provide a list of agencies and dates where the agency had provided all responsive documents for your review.



370. How many responsive documents did each agency provide to you?



<sup>1</sup> The prosecution conducted a cursory review of the FBI records on 27 April 2011. The prosecution was given access to all FBI records on 25 August 2011.

<sup>2</sup> On 27 April 2011, the Army G2 office provided approximately 1341 documents responsive to the request. On 3 October 2011, the Joint Staff provided approximately 9476 documents responsive to the request. On 11 May 2012, HQDA provided approximately 1462 documents responsive to the request.

<sup>3</sup> Many of the above organizations discovered additional records responsive to the prosecution's request based on subsequent developments. The prosecution reviewed those records as soon as they became available.



371. How many total manpower hours per agency did it take to collect the documents?

ANSWER: (U) The prosecution does not know the answer to this question.

372. When did you review all the documents from each agency? Please provide a list of agencies and dates where you first reviewed all documents and dates where you finished reviewing all documents.



373. How many total hours did it take you to review documents from each agency? Please break it down by agency.



374. When did you disclose all the responsive documents to the Defense? Please break it down by agency (and use the date on which the last agency document was produced to the Defense).

ANSWER: (U) The defense is in possession of the referenced material that answers this question.

375. Do you have any document to an external agency from prior to the Court's ruling on 23 March 2012 that explains the correct view of Brady and asks the agency for Brady discovery. If so, please provide that document.

ANSWER: (U) See above for explanation of Prudential Search Requests (#133-134). Prior to 23 March 2012, the prosecution submitted multiple filings with the Court explaining Brady.

376. After the Court's ruling on 23 March 2012 did you contact closely aligned agencies to specifically ask for evidence that reasonably tends to reduce punishment? If so, please provide documentation.

ANSWER: (U) Well before referral, the prosecution submitted Prudential Search Requests to all closely aligned agencies. This request included any material that reasonably tends to reduce punishment.

*Department of Homeland Security*

377. When did you first learn that the DHS was working on a damage assessment?

ANSWER: (U) The prosecution first learned that the Department of Homeland Security was preparing a damage assessment on 19 October 2011.

378. When did the DHS complete the damage assessment?

ANSWER: (U) To the best of the prosecution's knowledge, the damage assessment was completed on 21 March 2011.

379. What is the date on the DHS damage assessment?

ANSWER: (U) 21 March 2011.

380. When were you authorized to view the DHS damage assessment?

ANSWER: (U) 19 October 2011.

381. When did you first view the DHS damage assessment?

ANSWER: (U) 19 October 2011.

382. How long did it take you to review the DHS damage assessment?

ANSWER: (U) Approximately 4 hours.

383. When was the first time you revealed the existence of the DHS damage assessment to the Defense? To the Court?

ANSWER: (U) As the defense outlined in its Addendum #2 to Defense Motion to Compel Discovery #2, dated 18 June 2012, the prosecution orally notified the defense on 8 June 2012 after a motions hearing. The prosecution did not notify the Court of its existence because the documents were disclosed to the defense in their entirety on 13 June 2012. Based on the Court's emails with the parties, it appears the Court became aware of its existence through the defense's filing on 18 June 2012, after the assessment was fully disclosed to the defense.

384. Why did you wait until that date to reveal the existence of the DHS damage assessment to the Defense and the Court?

ANSWER: (U) The damage assessment is classified; thus, approval from the equity holder is necessary before disclosure to the defense. Furthermore, the prosecution was coordinating with the Department of Homeland Security for any records responsive to the prosecution's Prudential Search Request.

385. After the Court's ruling on 11 May 2012 denying your request for reconsideration of the Department of State damage assessment, did you have contact with the DHS? If so, when? What was the substance of these communications?

ANSWER: (U) No. The prosecution did not discuss the Court's ruling dated 11 May 2012 with the Department of Homeland Security. The prosecution contacted the Department of Homeland Security on 16 May 2012 to discuss the Court's ruling dated 23 March 2012 and to obtain authority to disclose their assessment without redactions or substitutions, which DHS approved on 7 June 2012 and the prosecution immediately disclosed its existence on 8 June 2012, and produced the document in discovery on 13 June 2012.

In the aftermath of the Court's ruling on 11 May 2012, you reached out to various organizations:

14-May-12 Mon Email with Export-Import Bank of US to inquire about any discoverable material  
14-May-12 Mon Email with FMC to inquire about any discoverable material  
14-May-12 Mon Email with MMC to inquire about any discoverable material  
14-May-12 Mon Email with OPI to inquire about any discoverable material  
14-May-12 Mon Email with SSA to inquire about any discoverable material  
14-May-12 Mon Email with SSS to inquire about any discoverable material  
14-May-12 Mon Phone call with Export-Import Bank of US to inquire about any discoverable material  
14-May-12 Mon Phone call with FCA to inquire about any discoverable material  
14-May-12 Mon Phone call with FMC to inquire about any discoverable material  
14-May-12 Mon Phone call with MMC to inquire about any discoverable material

14-May-12 Mon Phone call with OPI to inquire about any discoverable material  
14-May-12 Mon Phone call with SBA to inquire about any discoverable material  
17-May-12 Thu Email with ODNI to inquire about any discoverable material with NCPC  
17-May-12 Thu Email with ODNI to inquire about any discoverable material with NCTC

386. Why did you wait until mid-May 2012 (two years after PFC Manning was arrested) to reach out to these organizations?

ANSWER: (U) The prosecution did not wait to reach out to these organizations, nor were these communications pursuant to the Court's ruling on 11 May 2012. Rather, they were part of the continuing effort to obtain information from the agencies that started in February 2012.

387. Was the need to reach out to these agencies tied to the Court's 11 May 2012 ruling? Explain.

ANSWER: (U) No. The prosecution bore a discovery obligation to search for any individual assessment from the above organizations.

388. Did you submit a prudential search request to DHS? If yes, when?

ANSWER: (U) Yes, on 25 October 2011.

389. If you did not submit a prudential search request, did you otherwise ask DHS to produce responsive documentation?

ANSWER: (U) Not applicable.

390. Did you receive discoverable information from DHS? When?

ANSWER: (U) The prosecution received records in response to its Prudential Search Request on 27 January 2012.

391. When did you review that discoverable information?

ANSWER: (U) The prosecution completed its review of those records provided in response to its Prudential Search Request on 26 July 2012.

392. How many total manpower hours did it take you to review that information?

ANSWER: (U) Approximately 75 hours

393. When did you produce that information to the Defense?

ANSWER: (U) The prosecution disclosed the DHS information to the defense on 14 September 2012, except for one document which was the subject of a MRE 505(g) motion. The Court authorized redactions for this one document on 28 September 2012,

[REDACTED]

and the single document, with redactions applied, was produced to the defense on 26 October 2012.

*IRTF Damage Assessment*

394. When did you first learn of the existence of the IRTF damage assessment?

ANSWER: (U) The prosecution first learned about the Information Review Task Force in August of 2010 but did not know they were creating a damage or impact statement. The prosecution first learned of the existence of the damage assessment on or about 1 October 2011 through discussions with DIA.

395. When was the IRTF damage assessment completed?

ANSWER: (U) To the best of the prosecution's knowledge, the damage assessment was completed on 29 July 2011.

396. What is the date on the IRTF damage assessment? [If this information is classified, please provide an explanation and documentation to this effect].

ANSWER: (U) The date that is printed on the front of the assessment is 29 July 2011, which has been available to the defense for inspection since 6 June 2012 after the Court approved redactions under MRE 505(g)(2) on the record on 6 June 2012.

397. When did you first request to view the IRTF damage assessment?

ANSWER: (U) On 25 May 2011, as part of the Prudential Search Request, which would have included the document, and the prosecution specifically requested to review the damage assessment on 4 October 2011.

398. When did the CIA approve of your request to view the IRTF damage assessment?

ANSWER: (U) CIA was not involved in the request to view the document, but rather DIA. DIA approved the request on 5 October 2011.

399. When did you first receive the IRTF damage assessment?

ANSWER: (U) 5 October 2011.

400. When did you review the IRTF damage assessment?

ANSWER: (U) The prosecution started reviewing the document on 5 October 2011.

401. How many total hours did it take you to review the IRTF damage assessment?

ANSWER: (U) Approximately 4 hours.

402. How many pages was the IRTF damage assessment?

ANSWER: (U) 121 pages, which has been available to the defense for inspection since 6 June 2012 after the Court approved redactions under MRE 505(g)(2) on the record on 6 June 2012.

403. When was the IRTF damage assessment produced to the Defense?

ANSWER: (U) The assessment has been available to the defense for inspection since 6 June 2012 after the Court approved redactions under MRE 505(g)(2) on the record on 6 June 2012.

*OGA#1 Second Follow-On Damage Assessment*

404. When were you first informed that the OGA#1 was working on a second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment.<sup>4</sup> As outlined in the government's notice filing on 12 July 2012, the prosecution "learned on 11 July 2012 that the CIA had drafted another report analyzing the impact on the WikiLeaks disclosures on a discrete matter."

405. How did you learn of this? Please provide documentation.

ANSWER: (U) During a phone conversation with Agency counsel, the prosecution was informed about the report.

406. When did the OGA#1 begin the second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The prosecution does not know when the CIA started the follow-on report.

407. When did the OGA#1 complete second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The prosecution does not know when the CIA

completed the follow-on report; however the date of the report is the likely completion date.

408. What is the date on the OGA#1 second follow-on report? [If this information is classified, please provide an explanation and documentation to this effect].

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The prosecution does not know the date the CIA completed the follow-on report.

409. When did you request to view the OGA#1 second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The prosecution requested to review the CIA's follow-on report on 11 July 2012.

410. When were you given approval to view the OGA#1 second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The CIA gave the prosecution approval on 11 July 2012.

411. When did you view the OGA#1 second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The prosecution reviewed the CIA report on 13 July 2012.

412. How many pages was the OGA#1 second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The prosecution does not have the authority to disclose the length of the CIA's report.

413. How long in total did it take you to review the OGA#1 second follow-on report?

ANSWER: (U) The prosecution does not understand this question and subsequent questions about "OGA#1 Second Follow-On Damage Assessment," because the CIA created the follow-on damage assessment. The prosecution does not have the authority to disclose the length of the CIA's report.

414. When did you disclose the existence of the OGA#1 second follow-on report to the Court and the Defense?

ANSWER: (U) See above #404.

415. On 11 April 2012, you indicate the "Prosecution reviews two versions of OGA1 damage assessment." Was one of the two damage assessments the OGA#1 "follow-on report"?

ANSWER: (U) No.



416. If not, why were there two damage assessments?

ANSWER: (U) See above #415.

417. Have you disclosed both damage assessments to the Court and the Defense?

ANSWER: (U) See above #415.

*Grand Jury Testimony*

418. You indicate that on 29 September 2010, "DOJ informed prosecution that judge signed order disclosing grand jury matters to prosecution." Does that mean you were authorized to view the grand jury testimony on that date?

ANSWER: (U) Yes.

419. If not, why not?

ANSWER: (U) Not applicable.

420. If not, on what date were you authorized to view the grand jury testimony? Who authorized this?

ANSWER: (U) Not applicable.

421. When did you request to view the grand jury testimony?

ANSWER: (U) The prosecution had multiple conversations with the United States Attorney's Office for the Eastern District of Virginia (EDVA) about viewing the grand jury testimony in January and February 2012. On 14 February 2012, the prosecution



formally requested to review the testimony. The Department of Justice authorized the prosecution to review the transcripts of grand jury testimony on 12 April 2012.

422. When did you receive the grand jury testimony?

ANSWER: (U) The prosecution reviewed the grand jury testimony at EDVA on 12 April 2012 and never received copies, except the final redacted versions produced to the defense.

423. When did you review the grand jury testimony? Please provide the date that you started reviewing the testimony and the date you finished reviewing the grand jury testimony.

ANSWER: (U) The prosecution reviewed the grand jury testimony on 12 April 2012 and the final redacted versions on 21 May 2012.

424. How many total manpower hours did it take to review the grand jury testimony?

ANSWER: (U) The prosecution estimates it took approximately 3 hours to review the grand jury testimony.

425. When did you produce the grand jury testimony to the Defense?

ANSWER: (U) Based on the Court's ruling on 25 April 2012, the prosecution delivered the relevant portions of the grand jury testimony to the defense on 21 May 2012 (BATES #: 00447667-00447817).

#### Quantico Emails

426. When did you request that Quantico preserve all emails related to PFC Manning?

ANSWER: (U) The prosecution never requested that Quantico preserve all its emails relating to the accused. On 28 April 2011, the prosecution requested the Commander, Marine Corps Base Quantico (MCBQ) to "take any and all reasonable and necessary steps to preserve any information held by your command which concerns or references PFC Manning."

427. When did you begin receiving emails from Quantico?

ANSWER: (U) The prosecution first received emails on or about 2 June 2011 and continued to receive emails throughout the summer and fall along with other documentation.

428. When did you receive the last email from Quantico?

ANSWER: (U) On or about 5 December 2011.

429. You indicate that on 2 June 2011 you "Picked up Quantico MCB Discovery docs" at Quantico. Were these emails in the "discovery docs" that you picked up?

ANSWER: (U) Some of the emails were contained within the information.

430. When did you begin reviewing emails from Quantico?

ANSWER: (U) 25 July 2012.

431. Did any member of the prosecution team see, open, or look at any of the emails prior to two days before you informed the Defense of their existence?

ANSWER: (U) The prosecution did not review the emails for discovery purposes until 25 July 2012. It is likely that a staff member of the prosecution team saw, opened, or looked at some of the emails during the discovery in-processing.

432. Where were the emails between the time you received the last email from Quantico and the time you began reviewing the emails?

ANSWER: (U) The prosecution stored the email digitally.

433. Why did you wait until 2 days before the Defense filing to review the emails from Quantico?

ANSWER: (U) The prosecution began reviewing those emails in preparation for the Article 13 motion. On 25 July 2012, the prosecution began prioritizing its review of the emails for Giglio/Jencks material based on potential witnesses.

434. Did you know, based on communication with people at Quantico Brig or otherwise, that the emails contained unfavorable information for the Government?

ANSWER: (U) No.

435. Did you know prior to reviewing the emails that LtGen. Flynn was involved in confinement decisions at Quantico?

ANSWER: (U) The prosecution has never been aware that LtGen Flynn was involved in confinement decisions at Quantico, but rather his involvement was as the senior commander on MCBQ and he exercised his command supervision over the MCBQ Garrison Commander.

436. Is it your honest belief that the Defense did not want emails from Quantico pertaining to PFC Manning?

ANSWER: (U) The prosecution responds to discovery requests and relies on the defense to provide specific requests. The defense requested documents and not emails. Once the

prosecution reviewed the information as part of its Giglio/Jencks review and determined that it was discoverable for other reasons, the prosecution produced the information.

437. Do you believe that emails are “documents” within the meaning of R.C.M. 701(a)(2)?

ANSWER: (U) No. The defense previously differentiated between “documents” and “emails”; thus, the prosecution read the defense request to include only documents.

438. After the Defense informed the Court and Government that it was planning on mailing out attachments earlier than its official filing, why did you not alert the Defense to the existence of the emails?

ANSWER: (U) The prosecution notified the defense of discoverable emails as soon as it became aware of their existence. The prosecution notified the defense of the discoverable emails before the filing date of the Article 13 motion and did not open the defense’s attachments to the Article 13 motion until after the RCM 802 conference where the defense notified the Court that it still intended to move forward with the motion as filed; otherwise, the prosecution would not have reviewed the documents.

439. In the email accompanying the original batch of 84 emails, MAJ Fein stated that these emails were “obviously material to the preparation of the defense.” The Defense asked the question: “Are there emails you have which are material to the preparation of the defense, but not obviously material?” Two prosecutors responded something to the effect, “No – we have given you everything that is material to the preparation of the defense.” Several weeks later, you disclosed another 600 emails as being material to the preparation of the defense. Why did these prosecutors tell the Defense that you had disclosed everything that was material to the preparation of the defense?

ANSWER: (U) On 26 July 2012, the prosecution disclosed the emails that were obviously material to the preparation of the defense for Article 13 purposes. After the Mr. Coombs submitted the same question twice to the prosecution via email, both CPT Overgaard and CPT Morrow responded that the prosecution disclosed the information that was material to the preparation of the defense. At the point of the initial disclosure, the prosecution was not on notice of what the defense considered material except that which was obvious. As stated in the prosecution’s response to the Defense Motion to Compel Number 3, dated 23 August 2012, the prosecution only became aware of what information was also material to the preparation of defense, outside of that which was obvious on 17 August 2012, when the defense finally provided specificity in its motion to compel. In both the 8 December 2010 pre-referral discovery request and 1 August 2012 post-referral discovery request, the defense did not provide any specificity to inform the prosecution, but rather asked for all information or all emails.

440. On 3 August 2012, after the Defense had filed its Article 13 motion, you have the following entry “Email with CID to obtain Article 13 evidence.” Why did you wait until over two years into the case to email CID about obtaining Article 13 evidence?

ANSWER: (U) In preparation for the Article 13 motion, the prosecution requested that CID search the evidence locker for a particular piece of evidence. The evidence requested was not in the possession of any known government organization and the prosecution requested CID's assistance. It was not known to the prosecution that this evidence was needed until after the defense filed its motion and made its allegations against the USMC.

441. When did you receive this information?

ANSWER: (U) The prosecution received information about and pictures of the nooses the accused created while in confinement on or about 17 September 2012 and 16 October 2012.

442. Is this the evidence you disclosed to the Defense on 25 October 2012, months after the Defense had filed its Article 13 motion?

ANSWER: (U) This evidence about the nooses was disclosed after the defense filed its Article 13 motion because the prosecution was not aware that the defense would ignore the fact that the accused was suicidal and made multiple suicidal ideations while in pretrial confinement. Therefore, only after the defense's filing, was the prosecution on notice that the defense would contest the accused's mental health as part of the Article 13 motion.

#### Miscellaneous Issues

443. For all agencies not specifically mentioned, please provide: a) date of prudential search request or any other type of discovery request; b) date agency provided responsive documentation; c) date you reviewed responsive documentation; and d) date you produced responsive documentation.

ANSWER: (U) Absent what is listed above and below, the prosecution submitted preservation requests based on the defense's preservation request for any hard drives that were in the 2/10 MTN TOC and SCIF. On 21 September 2011 – more than one year after the accused's unit redeployed back to Fort Drum, New York – the Defense requested that the United States preserve these hard drives. With assistance of supply and logistics experts who had deployed to Iraq, the prosecution identified four commands or agencies that may possess hard drives responsive to this request and promptly submitted a Request to Locate and Preserve Evidence to each command or agency on 6 October 2011. Those entities included: (1) 2d Brigade Combat Team, 10th Mountain Division (2/10 MTN); (2) the Federal Bureau of Investigation (FBI); (3) Third Army, United States Army Central (ARCENT); and (4) the Computer Crime Investigative Unit, U.S. Army Criminal Investigative Command (CCIU). On 13 December 2011, 2/10 MTN preserved 181 hard drives. On 20 October 2011, the ARCENT Commander confirmed that the "command does not have possession of any Theater Provided Equipment hard drives responsive to [the United States'] request," which would account for any equipment which did not redeploy with the unit. Similarly, around 7 October 2011, the

FBI confirmed it had no hard drives responsive to the United States' request, outside those collected by Army Criminal Investigation Command (CID). CID had already preserved any hard drives by collecting them as evidence.

444. The Secretary of the Army AR 15-6 investigation was completed on 14 February 2011 and disclosed to the defense on 30 June 2011, 136 days later. Similarly, the United States Forces-Iraq (USF-I) AR 15-6 investigation was completed on 16 June 2010; the documents were not produced to the Defense until 12 May 2011, 262 days later. Finally, the United States Division-Center (USD-C) AR 380-5 investigation was completed on 16 June 2010, but not disclosed to the Defense until 9 February 2011, 238 days later. Why was there a time lag in disclosing these documents to the Defense?

ANSWER: (U) The accused was not transferred from USD-C, Iraq to MDW until 28 July 2010. The prosecution was not aware of any administrative investigations completed in Iraq and relating to the accused's misconduct until early Fall of 2010. Once the prosecution became aware of the administrative investigations completed in Iraq – specifically the USF-I and USD-C investigations – the prosecution began immediately coordinating with those respective commands in order to compile the entire investigation, including all witness statements, attachments, and enclosures. In September 2010 and after coordination with the Iraq prosecution, the MDW prosecution learned of the USD-C AR 380-5 investigation. After coordinating with the Iraq prosecution, the MDW prosecution received a complete digital copy by 30 November 2010. After reviewing the investigation, the prosecution delivered it 9 February 2011 (BATES#: 00000633-00000771).

(U) On 16 December 2010 and based on a Secretary of Defense directive, the Secretary of the Army appointed LTG Caslen the investigating officer for the Secretary of the Army 15-6 ("SecArmy 15-6"). The report was completed on 14 February 2011 and forwarded to HQDA. At the end of December 2010, the SecArmy 15-6 investigating team met with the prosecutors to discuss information associated with the case and the scope of their investigation. Once the prosecution learned the 15-6 was completed, it submitted a request for a copy of the 15-6 in order to start reviewing it for discoverable material. On 15 March 2011, the prosecution submitted a request to HQDA to review the information and received approval and the information on 21 March 2011. Between 21 March 2011 and 30 May 2011, the prosecution reviewed the SecArmy 15-6 to determine what information is discoverable, and whether any of the information contained within the hundreds of files was classified or missing. On 30 May 2011 the prosecution submitted a request to disclose the entire SecArmy 15-6 to defense. On 17 June 2011, HQDA forwarded OSD's approval to the prosecution for the prosecution to disclose the SecArmy 15-6, subject to a protective order. On 22 June 2011, the SPCMCA issued a protective order for the SecArmy 15-6, and the prosecution emailed the defense team the protective order. On 12 July 2011 and based on having received the signed acknowledgments from the primary defense counsel and legal administrator for the SecArmy 15-6 material, the prosecution sent this unclassified but protected information to the defense (BATES #: 00013162-00020152).

[REDACTED]

(U) In late December 2010 and during the meeting with the SecArmy 15-6 investigators, the prosecution learned of the United States Forces – Iraq (USF-I) 15-6 investigation and received a copy from the SecArmy 15-6 investigators. On 29 December 2010, the prosecution requested an unclassified version from USF-I for discovery purposes because it appeared there was very little classified information contained throughout the report. After many emails to the forward deployed forces, the prosecution received the declassified investigation on 23 April 2011 from USF-I. The prosecution delivered the investigation on 16 May 2011 (BATES #: 00012721-00012903).

445. There are dozens (if not hundreds) of references to 'developed discovery tracking system' in the spring and summer of 2011. How long did it take to develop a system to track discovery? Why was the system developed more than one year after the accused was placed in pretrial confinement?

ANSWER: (U) On the chronology, there are less than 40 entries referring to developing a discovery tracking system occurring in June of 2011. Based on conversations with multiple government organizations and the potential results of the Prudential Search Requests, the prosecution found it necessary to acquire and develop a system to ingest information, review information, track not only the substantial amount of documents it would need to review for discoverable information, but also what would be disclosed to the defense. In late May 2011, the prosecution received a legal administrator to assist with processing discovery, and also to assist with coordinating to provide the defense with its own legal administrator for the same purpose. The prosecution dedicated a legal administrator to creating this system that was unique to the military justice system. Perfecting the system required significant manpower, resources, and time- including dedicating a paralegal to the same task. The system was developed once the prosecution could accurately predict the amount of information it would have to review. The amount totaled more than 1,000,000 pages and entailed the discovery disclosure of more than 520,000 pages. Prior to 1 July 2011, the prosecution produced and tracked discovery by hand and produced approximately 21,000 pages in discovery.

446. If you were prepared to arraign the accused in February 2011, why were you not prepared to disclose relevant documents and/or claim a privilege at that time?

ANSWER: (U) The GCMCA referred the case on 3 February 2012. On that day, the prosecution was prepared to arraign the accused. As of today, no organization within the Executive Branch has claimed the privilege for classified information; rather the majority of organizations have approved the release of discoverable information, even if classified, to the defense- including over 400,000 pages in classified discovery. By 3 February 2012, the prosecution had not received all records responsive to its Prudential Search Requests. Further, many government organizations did not authorize the prosecution to disclose any classified documents until post-referral, so that the Court could regulate classified discovery. Finally, many organizations were aware that, until a case is referred to court-martial, a Soldier is not tried and there are no formal discovery obligations; thus, classified information could be further protected and not disclosed unless required by law.

447. As of the date of arraignment, had you asked any agency whether it would claim a privilege over classified information? Please explain.

ANSWER: (U) Since the very first conversations with each organization in the Fall of 2010, the prosecution continuously educated the organizations about the military justice system and the ability for the US Army to control the distribution of classified information, including to the defense, despite the accused being a charged leaker of classified information. The prosecution had conversations with the relevant government organizations about MRE 505 and the steps it would take to protect classified information, as evidenced in the litany of requests provided to the defense and Court. These conversations and subsequent requests, allowed the prosecution to obtain the approval to disclose the super-majority of classified information and not have to invoke the privilege on the organization's behalf. It was only for a very small portion of classified documents that the prosecution had to submit MRE 505(g) motions to redact or substitute information for classified information, but none of the requests to date included invoking the classified information privilege.

448. As of the date of the Article 32 hearing, had you provided any Brady discovery to the Defense? If yes, please identify with specificity.

ANSWER: (U) As of 16 December 2011, the prosecution disclosed to the defense approximately 400,000 pages in discovery, which included different forms of Brady information.

449. On numerous occasions, you asked for an additional 45-60 days to determine whether you would ask for redactions and substitutions or determine whether the agency would claim a privilege. Why did these communications not take place in the 20 months prior to arraignment?

ANSWER: (U) Many of the documents sought by the defense – in fact, practically all the documents sought by the defense – did not exist in July 2010. Thus, any coordination with an organization regarding redactions, substitutions, or the invocation of a privilege prior to the existence of the documents would be fruitless. Furthermore, organizations would not have started the process of reviewing documents for redactions and substitutions, or decided whether to invoke a privilege, until the prosecution had complete clarity regarding what documents or information the Court determined were discoverable in the first instance.

450. As of December 2011 (the date of the Article 32 hearing), which damage assessments had you: a) requested to review; and b) actually reviewed?

ANSWER: (U) Prior to the date of the Article 32 hearing, the prosecution submitted Prudential Search Requests to the organizations listed in #334. The prosecution submitted specific requests to review damage assessments to the organizations listed in #267. The prosecution reviewed the IRTF, FBI, and DHS damage assessments prior to

the Article 32, but that review was not for the purpose of specifically identifying discoverable information.

451. Why were no damage assessments produced to the Defense in advance of the Article 32 hearing?

ANSWER: (U) The prosecution did not have authority to disclose any damage assessments to the defense before the Article 32 investigation.

452. On 12 May 2012, your Chronology has the following entry: "ATF OGC- Stated that the documents received via JWICS were not the damage assessments requested and elaborated on the prosecution's request to locate the correct documents; replied that they will double check their SIPR archives." How many organizations needed to check their archives in order to retrieve responsive information? Please specify which organizations.

ANSWER: (U) The prosecution is unaware of any organizations other than the ATF OGC.

453. How many organizations indicated that they may have deleted certain files pertaining to the search request? Please specify which organizations.

ANSWER: (U) None.

454. The Defense asked for documents from the President's Intelligence Advisory Board in October 2011. When did you first request to review files from the President's Intelligence Advisory Board? When did you actually review any responsive documents? When did you produce PIAB documents to the Defense?

ANSWER: (U) On 22 May 2012, the prosecution contacted White House to obtain any information produced by multiple organizations, including the President's Intelligence Advisory Board (PIAB). Prior to directly contacting the White House, the prosecution attempted to work through other government organizations to obtain the contact information of PIAB attorneys but was ultimately told that the prosecution had to coordinate through the White House. The prosecution reviewed the individual assessment on or about 25 July 2012. The prosecution delivered the PIAB information on 3 August 2012 (BATES #: 00505083).

(U) I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 19th day of November 2012.



ASHDEN FEIN  
MAJ, JA  
Trial Counsel



Appellate Exhibit 407

81 pages

classified

"SECRET"

ordered sealed for Reason 2

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

## UNITED STATES

Y.

**MANNING, Bradley E., PFC**

U.S. Army.

Headquarters and Headquarters Company, U.S.

Army Garrison, Joint Base Mover-Henderson Hall.

Fort Myer, VA 22211

**DEFENSE MOTION TO  
COMPEL PRODUCTION  
OF WITNESSES FOR MERITS  
AND SENTENCING**

DATED: 23 November 2012

1. PFC Bradley E. Manning, by and through counsel, pursuant to applicable case law and Rule for Courts Martial (R.C.M.) 703(b)(1) and (c)(2)(D) and R.C.M. 906(b)(7) requests this Court to compel production of the below listed witnesses for merits and for sentencing.

2. The Defense submitted its witness list for merits and sentencing on 15 October 2012. *See* Appellate Exhibit 344. The Defense provided a synopsis of the expected testimony for each witness sufficient to show relevance and necessity. R.C.M. 703(c)(2)(B)(i); R.C.M. 1001(e). On 12 November 2012, the Defense submitted its witness list in the event of a sentencing only case and provided a synopsis of the expected testimony under R.C.M. 1001(e).

3. On 16 November 2012, the trial counsel provided its response to the Defense's witness list. The trial counsel contends that production of several of the Defense requested witnesses is not required under R.C.M. 703. The trial counsel denied several witnesses under different bases. See Prosecution Response to Defense Witness List, dated 16 November 2012. The denial of the Defense requested witnesses can be broken down into the following groups:

- a) Merit Witnesses under R.C.M. 703(b)(1): The trial counsel denied the following witnesses as not being relevant and necessary on a matter in issue on the merits:
- 1) Mr. Zachary Antolak;
  - 2) Colonel (Retired) Morris Davis;
  - 3) Professor Yochai Benkler; and
  - 4) Mr. Daniel Cindrich.

- b) Merits and Sentencing Witnesses under R.C.M. 703(d): The trial counsel denied the following witness under the basis that the Defense was required to follow the procedures of R.C.M. 703(d) in order to have production of the requested witness:
- 1) Mr. Cassius Hall;
  - 2) Mr. Charles Ganiel; and
  - 3) Ms. Lillian Smith.
- c) Sentencing Witnesses under R.C.M. 1001(e): The trial counsel denied the following witnesses under the basis of R.C.M. 1001(e):
- 1) Ambassador Peter Galbraith; and
  - 2) COL Dick Larry.
- d) Additional Witnesses in the event of a sentencing case only: The trial counsel denied the following additional witnesses under the basis of R.C.M. 703(d) and R.C.M. 1001(e):
- 1) Mr. Cassius Hall;
  - 2) Colonel (Retired) Morris Davis;
  - 3) Mr. Zachary Antolak;
  - 4) Mr. Charles Ganiel;
  - 5) Professor Yochai Benkler;
  - 6) Mr. Daniel Cindrich.

### ARGUMENT

#### **A. The Government is Acting in Bad Faith in Contesting the Relevance and Necessity of the Defense Requested Witnesses**

4. The Government is once again using R.C.M. 703(D) as a sword for its own advocacy by denying numerous facially relevant witnesses. This conduct is not anything new for the Government. The Court need only look to the now pending Article 13 litigation to see how the Government has chosen to act in regards to its power under R.C.M. 703(D). In that litigation, the Government contested the relevance and necessity of many of its own witnesses that were also listed by the Defense. Once the Defense withdrew its request for these witnesses, the Government, in short order, notified the Court that it would bring the vast majority of the witnesses it was initially opposing under R.C.M. 703(D).

5. Sadly, the Government also choosing to use R.C.M. 703(D) and R.C.M. 1001(e) in the instant case as a sword to deny Defense requested witnesses. The Defense believes that the witnesses on its merits list are relevant and necessary for obvious reasons. Additionally, the witnesses on the Defense's sentencing list clearly meet the R.C.M. 1001(e) standard. As such, the Defense requests that the Court compel production of each requested witness.

**B. The Defense Requested Witnesses are Relevant and Necessary Under R.C.M. 703 and Required Under R.C.M. 1001(e)**

6. R.C.M. 703 provides that “[t]he prosecution and defense and the court-martial shall have equal opportunity to obtain witnesses and evidence, including the benefit of compulsory process.” This rule is based on Article 46, Uniform Code of Military Justice (U.C.M.J.) and implements the accused’s Sixth Amendment right to compulsory process. The Defense is entitled to production of any witness whose testimony on a matter in issue on the merits that would be relevant and necessary. R.C.M. 703(b)(1). Necessary means the evidence is not cumulative and would contribute to a party’s presentation of the case in some positive way on a matter in issue. R.C.M. 703(b)(1) discussion.

7. The synopsis provided by the Defense for each of its requested witnesses on the merits more than satisfies R.C.M. 703(b)(1). The Government appears to be attempting to use a denial of the Defense requested witnesses along with its motion *in limine*, dated 16 November 2012, to argue that the Defense witnesses are not relevant in the merits phase. Instead of replying in detail to this assertion, something the Defense will do in its response motion to the Government’s motion *in limine*, it is suffice to say that motive evidence may be relevant where it is circumstantial evidence of intent. *United States v. Diaz*, 69 M.J. 127, 134 (C.A.A.F. 2010) (holding that “motive evidence may be relevant where it is circumstantial evidence of intent...”).

8. The Government should realize the clear relevance of Mr. Antolak, Colonel Davis, Professor Benkler and Mr. Daniel Cindrich. Instead, the Government has, in bad faith, denied each witness. The Defense will address each witness in turn:

- a) Mr. Zachary Antolak: The Government has essentially made the Defense’s argument of relevance for Mr. Antolak when it argued for admissibility of PFC Manning’s alleged disloyal statement to Ms. Showman. Instead of redrafting an argument, the Defense will quote the Government’s own theory back to it. The Government argued that the statement to Ms. Showman was “relevant to the Accused’s state of mind.” See Appellate Exhibit 250 at page 4-5. The Government went on to assert that the “evidence is being offered to show that the Accused made a statement that he had no particular loyalty to the country whose information it was his job to safeguard. The statement is evidence of the Accused’s intent for the charged misconduct because it makes it more likely that the Accused did not care if the enemy had access to the information that was posted on the Internet.” *Id.* Finally, the Government asserted that the alleged statement to Ms. Showman was “circumstantial evidence that the Accused knowingly gave intelligence to the enemy in support of Charge I, Specification 1; that the Accused wrongfully and wantonly caused the information to be published on the internet with knowledge that it would be accessible to the enemy in support of Charge II, Specification 1; that the Accused’s conduct was willful in support of Charge II, Specifications 2, 3, 5, 7, 9, 10, 11, 12, 13, and 15; and that the Accused stole, purloined, or knowingly converted a thing of value to the United States in support of Charge II, Specifications 4, 6, 8, 12, and 16.” The Government should not be surprised when the Defense now argues that the conversation Mr. Antolak will testify about, which happened before the deployment and

around the same time as the alleged statements to Ms. Showman, are circumstantial evidence of intent. See *Diaz*, 69 M.J. at 134. Mr. Antolak will testify to the following:

1) PFC Manning stated he was hoping to apply what he was learning in his current position as an analyst to provide more information to the officers above him and to his commanders;

2) PFC Manning stated that he was hoping that the information he provided to his officers and commanders would help save lives;

3) PFC Manning stated that he was more concerned about making sure that everyone - soldiers, marines, contractors, even the local nationals - would get home to their families safely;

4) PFC Manning stated that he felt a great responsibility and duty to people;

5) PFC Manning stated that he believed in what the Army tries to make itself out to be: a diverse place full of people defending the country... male, female, black, white, gay, straight, Christian, Jewish, Asian, old or young;

6) PFC Manning stated that it didn't matter to him what a person's background was since we all wear the same green uniform;

7) PFC Manning stated that he sometimes wished that everything was black and white like the media and politicians present it. That you could easily see that he is the bad guy and this other person was the good guy. Instead, PFC Manning stated that it was all shades of blurry grey;

8) PFC Manning stated that he constantly had foreign affairs on his mind, and that one of the bad parts of his job was having to think of bad stuff; and

9) PFC Manning stated that he wanted to pursue a career in politics after going to college.

The conversation that PFC Manning had with Mr. Antolak prior to the deployment is relevant to establish PFC Manning's then existing state of mind. This evidence is circumstantial evidence of PFC Manning's intent and relevant to prove that he did not knowingly give intelligence to the enemy as alleged in The Specification of Charge I; that PFC Manning did not wrongfully and wantonly caused the information to be published on the internet with knowledge that it would be accessible to the enemy as alleged in Specification 1 of Charge II; that PFC Manning's subjective lack of a belief that disclosure of the documents that he believed were already in the public forum could be to the injury of the U.S. or benefit of a foreign country was objectively reasonable and that did not have the requisite mens rea as alleged in Specifications 2, 3, 5, 7, 9, 10, 11, 12, 13, and 15 of Charge II; and that PFC Manning did not steal, purloin, or knowingly convert a thing of value of the United States as alleged in Specifications 4, 6, 8, 12, and 16 of Charge II. Additionally, Mr. Antolak's testimony is relevant to rebut the testimony that the Government will elicit from Ms. Jihleah Showman.

- b) Colonel (Retired) Morris Davis: The Government asserts Colonel Davis' testimony is not relevant and necessary on a matter in issue on the merits. The Government intends to call Mr. Jeffery Motes and RADML David Woods to testify regarding the classification and value of the charged information in Specifications 8 and 9 of Charge II. These witnesses will also be used to attempt to prove the information could be used to the injury

of the United States or to the advantage of any foreign nation. Just as the Government will offer evidence to attempt to prove its case, the Defense should be free to prove the opposite. Colonel Davis will be used to show that the subjective lack of a belief by PFC Manning that disclosure of these documents already in the public forum could be to the injury of the United States or benefit of a foreign country was objectively reasonable. Because the detainee assessment briefs could not be used to the injury of the United States or to the benefit of a foreign country, PFC Manning lacked the required mens rea to commit the charged offenses. If the Defense is permitted to establish that the evidence was, in fact, not a danger to national security, an accused could not logically have the "reason to know" mens rea required under Specifications 9 of Charge II. Additionally, if the information was already in the public forum it would be relevant to disprove that PFC Manning stole, purloined, or knowingly converted a thing of value of the United States as alleged in Specifications 8 of Charge II.

- c) Mr. Daniel Cindrich: The Government has listed 128 witnesses for its merits and sentencing case. Many of these witnesses will be used to attempt to establish PFC Manning had a reason to believe the information charged could be used to the injury of the United States or to the advantage of any foreign nation in Specifications 2, 3, 5, 7, 9, 10, 11, 12, 13, and 15 of Charge II or that PFC Manning stole, purloined, or knowingly converted a thing of value to the United States in support of Specifications 4, 6, 8, 12, and 16 of Charge II. Mr. Cindrich's testimony will be used to show that the subjective lack of a belief by PFC Manning that disclosure of these documents already in the public forum could be to the injury of the United States or benefit of a foreign country was objectively reasonable. Because the charged information could not be used to the injury of the United States or to the benefit of a foreign country, PFC Manning lacked the required mens rea to commit the charged offenses. If the Defense is permitted to establish that the evidence was, in fact, not a danger to national security, an accused could not logically have the "reason to know" mens rea required under 2, 3, 5, 7, 9, 10, 11, 12, 13, and 15 of Charge II. Additionally, if the information was already in the public forum it would be relevant to disprove that PFC Manning stole, purloined, or knowingly converted a thing of value of the United States as alleged in Specifications 4, 6, 8, 12, and 16 of Charge II. Mr. Cindrich is an intelligence analyst. He will testify as an expert and as a person with direct knowledge that since the charged leaks, the Center for Army Lessons Learned (CALL), U.S. Army Combined Arms Center, Fort Leavenworth, Kansas has not had any direct or indirect tasking to collect, analyze, or disseminate lessons learned on the WikiLeaks incidents or the information publicly disclosed in this case. Mr. Cindrich will testify that one of his responsibilities is to put out rapid adaption information to the field. Mr. Cindrich will testify that rapid adaption is a process whereby information is analyzed and disseminated in a timely manner relative to the criticality of actions required for soldiers and leaders to adapt that information to current operations and DOTMLPF (doctrine, organization, training, material, leadership and education, personnel, and facilities) development. Mr. Cindrich will testify that rapid adaption is a process that is designed to save soldier's lives and improve the effectiveness and/or efficiency of Army operations. The fact that CALL has not been requested to collect, analyze, or disseminate lessons learned on the WikiLeaks incidents or the information publicly disclosed in this case is circumstantial evidence that the Defense

will use to show that the subjective lack of a belief by PFC Manning that disclosure of these charged documents already in the public forum could be to the injury of the United States or benefit of a foreign country was objectively reasonable. Because the charged information could not be used to the injury of the United States or to the benefit of a foreign country, PFC Manning lacked the required mens rea. If the Defense is permitted to establish that the evidence was, in fact, not a danger to national security, PFC Manning could not logically have the "reason to know" mens rea required under Specifications 2, 3, 5, 7, 9, 10, 11, 12, 13, and 15 of Charge II Specifications 9 of Charge II. Additionally, since CALL was not requested to take any action in response to information publicly disclosed, this is circumstantial evidence that the information was already in the public forum and it would be relevant to disprove that PFC Manning stole, purloined, or knowingly converted a thing of value of the United States as alleged in Specifications 4, 6, 8, 12, and 16 of Charge II.

- d) Professor Yochai Benkler: The Government will be presenting evidence regarding the Specification of Charge I, Specifications 1 and 15 of Charge II. The Government will be attempting to prove that PFC Manning knowingly gave intelligence to the enemy in support of the Specification of Charge I; that PFC Manning wrongfully and wantonly caused the information to be published on the internet with knowledge that it would be accessible to the enemy in support of Specification 1 of Charge II; and that PFC Manning had a reason to believe the information charged could be used to the injury of the United States or to the advantage of any foreign nation in support of Specification 15 of Charge II. Just as the Government will offer evidence to attempt to prove its case, the Defense should be free to prove the opposite. Professor Benkler will testify as an expert witness concerning the history of the WikiLeaks organization and how it was viewed prior to the charged leaks. Professor Benkler will testify that at the time PFC Manning would have given information to WikiLeaks, that WikiLeaks was viewed as a journalistic organization with an impressive history of exposing fraud and corruption within governments and corporations. Professor Benkler will testify about an article that he wrote in 2011 entitled "A Free Irresponsible Press: WikiLeaks and the Battle Over the Soul of the Networked Fourth Estate." See 46 Harv.C.R.L. L. Rev. 311, 2011. As part of that article, Professor Benkler reviewed the publicly available copy of the document charged in Specification 15 of Charge II. Professor Benkler's article cites and extensively references the document charged in Specification 15 of Charge II. Professor Benkler will testify about how the U.S. Government overstated and overreacted to the leaked documents and WikiLeaks. Professor Benkler will also testify how the traditional media played a role in perpetuating the overstated and overheated public response by government actors, both administrative officials and elected representatives. Professor Benkler will testify that the Government's overreaction resulted in WikiLeaks being viewed as a security threat as opposed to a legitimate journalistic endeavor. Finally, Professor Benkler will testify that WikiLeaks is in fact a journalistic endeavor, no different for legally pertinent purposes than the New York Times, the Washington Post, or a wide range of smaller journalistic publications. Professor Benkler's testimony is circumstantial evidence of PFC Manning's intent and is relevant to prove that the he did not knowingly give intelligence to the enemy as alleged in the Specification of Charge I when he supplied the information to a legitimate journalistic organization; that PFC

Manning did not wrongfully and wantonly caused the information to be published on the internet with knowledge that it would be accessible to the enemy as alleged in Specification 1 of Charge II when he supplied the information to a legitimate journalistic organization; and that PFC Manning's subjective lack of a belief that disclosure of the documents that he believed were already in the public forum could be to the injury of the U.S. or benefit of a foreign country was objectively reasonable and thus did not have the requisite mens rea as alleged in Specification 15 of Charge II. If permitted to present his law review article<sup>1</sup>, and discuss his analysis of the document charged in Specification 15 of Charge II. Professor Benkler's testimony will show that the information in the document was in the public forum, and an example of the Government simply over-classifying information and subsequently exaggerating the significance of its release.

9. On sentencing, the Defense is entitled to the production of any witness whose testimony is required under R.C.M. 1001(e). Under R.C.M. 1001(e), the Defense is required to provide a synopsis of the expected testimony to demonstrate why personal appearance is necessary under the standards set forth in the rule. Personal appearance is required only if all of the below are satisfied:

- (a) The testimony is necessary for consideration of a matter of substantial significance to a determination of an appropriate sentence;
- (b) The weight or credibility of the testimony is of substantial significance to the determination of an appropriate sentence;
- (c) The other party refuses to enter into a stipulation of fact;
- (d) Other forms of evidence (depositions, interrogatories, former testimony, testimony by remote means) would not be sufficient in the determination of an appropriate sentence; and
- (e) The significance of the personal appearance to the determination of an appropriate sentence, when balanced against the practical difficulties of producing the witness, favors production.

*Id.* In this instance, the synopsis provided by the Defense for Ambassador Peter Galbraith and COL Dick Larry clearly demonstrates why personal appearance is necessary for both witnesses.

10. The Government intends to call *nine* witnesses from the Department of State to offer evidence in its sentencing case. See Appellate Exhibit CLXII. The fact that the Government could, in good conscience, deny the Defense Ambassador Galbraith is startling. Ambassador Galbraith's testimony is clearly mitigating evidence. Ambassador Galbraith will testify to the following:

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<sup>1</sup> The Government is yet to respond to the Defense's request whether Professor Benkler's law review article is considered classified or to be a spillage. The Defense renews its request for the Government to respond to this request.



- 1) He does not believe that the SIPDIS cables contained our country's closely held secrets;
- 2) The SIPDIS cables were the type of cables were available to anyone with SIPRNET access – a potential audience of over a million people;
- 3) The SIPDIS cables were written for a relatively wide distribution, and thus were included into a database available to anyone with SIPRNET access;
- 4) No prudent diplomat would include genuinely sensitive material in a SIPDIS cable;
- 5) The SIPDIS cables often reported on widely known issues and events and many dealt with routine administrative matters;
- 6) While a SIPDIS cable appears to be signed by an Ambassador and addressed to the Secretary of State, the cables were rarely drafted by an Ambassador, usually not cleared by an Ambassador if they dealt with routine administrative matters, and almost never read by the Secretary of State.
- 7) That much of what would be in a SIPDIS cable could also be found in the newspapers of the relevant country or in other open source reporting.
- 8) That Ambassadors would use more restrictive channels (such as NODIS, EXDIS, LIMDIS, and intelligence channels) for discussion of truly sensitive material.
- 9) That no responsible ambassador would use a channel with such broad distribution for matters—be it intelligence, military, or policy recommendations—where the leak of the information could seriously damage the interests of the United States.
- 10) That it would be irresponsible to cite specific interlocutors in a SIPDIS cable where the person could be harmed by the leak of her or his name;
- 11) That he was and still is very concerned about the propensity of some in the U.S. Government to leak classified information. While he was Ambassador, someone on Capitol Hill leaked a report containing sensitive intelligence that compromised an ongoing intelligence operation in Croatia and put at risk embassy personnel. Ambassador Galbraith pushed hard for the investigation and punishment of those responsible. While Ambassador Galbraith will testify that he strongly disapproves of what PFC Manning allegedly did, he will also testify that there is no comparison in the sensitivity and importance of the material allegedly released by PFC Manning and real intelligence leaks where there has often been no investigation or only limited punishment; and
- 12) That in his experience, many—if not most—state department cables are over classified and that a secret classification does not mean the information is genuinely secret.

11. The Government is also denying the production of COL Dick Larry. The Government's denial of COL Larry is perplexing considering its intent to call Mr. James McCarl. Mr. McCarl is part of the Joint Improvised Explosive Device (IED) Defeat Organization (JIEDDO), Army Pentagon, Washington DC. He will be called to testify about how some of the charged information could have potentially given away counter-IED measures. COL Larry, part of the Army's G3 at HQDA will be used to rebut Mr. McCarl's testimony. COL Larry will testify as follows:

- 1) That his office is the Army's representative to the Joint Intelligence Explosive Ordnance Disposal (EOD) Organization. COL Larry will testify that his organization has the following sub-tasks: (1) publish and maintain the Army CID OPSEC manual, (2) sustain funding for theater operations, (3) manage Army EOD, (4) Army staff lead for weapons

technical knowledge, and (5) represent the Army at the Warfighter Senior Integration Group;

- 2) That his organization uses intelligence information gathered from Army G2, DIA, unit operation/intelligence summaries, and any intelligence gathered by Provincial Reconstruction Teams;
- 3) That intelligence gleaned from the charged SIGACTS would be limited by two general problems (1) there is limited information in a SIGACT (could be just a picture with the 5 Ws (who, what, where, when, and why) and (2) the information contained in the report may well be inaccurate;
- 4) That other factors weigh heavily in the enemy's ability to be successful with IEDs. COL Larry will testify those factors include the availability of material, the ability to communicate from bomb-makers down to the bomb-emplacers, the IED countermeasures used locally by BLUEFOR, and the consequent measures used by the IED to defeat the countermeasures;
- 5) That the enemy can immediately make changes based on the operational environment, and that the threat is constantly adapting its techniques; and
- 6) That his organization has to think three moves ahead of the threat, and has to constantly examine how the actions on the ground impact our response. As such, COL Larry will testify that what may have been true two years, two months, or even two weeks ago may not be true today. COL Larry will testify that he does not view the charged SIGACTS as providing sensitive counter IED measures to the enemy.

12. Ambassador Galbraith and COL Larry clearly meet the requirements of R.C.M. 1001(e). As such, this Court should compel the presence of both requested witnesses.

**C. The Defense Requested Witness Denied by the Trial Counsel Under R.C.M. 703(d).**

13. The Government's denial of Mr. Hall, Mr. Ganiel, and Ms. Smith appears to be based upon the belief that the Defense would need to request their appointment as an expert witness under R.C.M. 703(d). The Defense is not required to request the appointment of these individuals as expert witnesses for the Defense. Mr. Hall, Mr. Ganiel, and Ms. Smith are each government employees. The discussion to R.C.M. 703(d) clearly states that "This subsection does not apply to person who are government employees or under contract to the Government to provide services which would otherwise fall within this subsection." Discussion to R.C.M. 703(d) at A21-37.

14. The production and employment of expert witnesses is governed by R.C.M. 703(d) when that employment is at the expense of the Government. The rule clearly requires compliance with its procedures only if the Defense *or the Government* is seeking to have an expert witness produced **and** to have the convening authority cover the expense of the witnesses. If the Defense or the Government is wanting the convening authority to cover the costs of the expert witness, then the counsel must:

- (a) Submit a request to the convening authority to authorize employment and fix compensation before employment; and

(b) Provide notice to the other party.

*Id.* In situations where the employment of the expert is at the expense of the convening authority, the Defense or Government must include a complete statement of reasons why the expert is necessary, and an estimate of costs. *Id. United States v. Ndanyi*, 45 M.J. 315 (C.A.A.F. 1996). If the convening authority denies the request, the Defense or Government can raise the issue with the military judge. R.C.M. 703(d). The military judge will then determine whether the testimony of the expert is relevant and necessary. *Ndanyi*, 45 M.J. at 319. If the military judge determines the testimony of the expert is relevant and necessary, and it is a Defense request for an expert, she will determine whether the Government has provided or will provide an adequate substitute. R.C.M. 703(d).

15. The entire process under R.C.M. 703(d) does not apply in situations where the convening authority is not being asked to cover the expense of the witness. This is clearly why the rule specifically excludes from its application witnesses “who are government employees or under contract to the Government to provide services which would otherwise fall within this subsection.” Discussion to R.C.M. 703(d) at A21-37. In such situations, there is no expense to the convening authority and Article 46 of the UCMJ would entitle the Defense equal access to the government witness.

16. Mr. Hall, Mr. Ganiel and Ms. Smith are no different from any other government employee that the Defense is calling as a witness. Under M.R.E. 702, an expert witness is someone who possesses particular knowledge, skill, experience, training or education and can offer scientific, technical, or other specialized knowledge testimony that will assist the trier of fact to understand the evidence or to determine a fact in issue. M.R.E. 702. Every witness listed on the Defense’s witness list could be qualified as an expert witness. Specifically, Mr. Milliman, Mr. Cindrich, CPT Lim or CPT Cherepko, to name a few, are qualified as experts in their respective fields. Would the Government seriously suggest that R.C.M. 703(d) requires the Defense to request the convening authority to appoint each of these witnesses as experts for the Defense? The answer to that question is “no” and the same is true in the case with Mr. Hall, Mr. Ganiel and Ms. Smith.

17. The Government may have become confused due to the fact that Mr. Hall, Mr. Ganiel and Ms. Smith were each appointed as expert assistants. As the Court is aware, an expert assistant is someone detailed to the defense team to assist the accused and defense counsel during the investigative stage of the trial process, although expert assistance can be requested for any stage. Expert assistants, once appointed, are a part of the defense team. As such, the communications between the expert and the defense counsel or the expert and the accused are privileged under M.R.E. 502. *United States v. Turner*, 28 M.J. 487 (C.M.A. 1989). However, once the defense lists the expert as a witness, the Government is free to contact and interview the witness. *United States v. Langston*, 32 M.J. 894 (A.F.C.M.R 1991).

18. The Government appears to be taking the category of “expert assistants,” and lumping it with the topic of expert witness analysis that is found in R.C.M. 703(d). A careful look at the rule reveals that R.C.M. 703(d) does not discuss expert assistants. In reality, the analysis for expert assistance requests is much more similar to the analysis of discovery issues than production issues. In any event, just because a government employee can be qualified as an

expert witness, or at one point has been appointed to the Defense as an expert assistant, does not mean that the requirements of R.C.M. 703(d) must be satisfied. R.C.M. 703(d) is a rule that is limited to those situations, and only those situations, where the Defense or Government is requesting appointment of an expert witness at the expense of the convening authority. As such, the Government's denial of Mr. Hall, Mr. Ganiel and Ms. Smith under R.C.M. 703(d) is without merit. The Court should compel the production of Mr. Hall, Mr. Ganiel and Ms. Smith.

**D. The Defense Requested Witness Denied by the Trial Counsel in the Event of a Sentencing Only Case Under R.C.M. 703(d) and R.C.M. 1001(e).**

19. In the event of a sentencing only case, the Government has denied the following requested witnesses: Mr. Cassius Hall; Colonel (Retired) Morris Davis; Mr. Zachary Antolak; Mr. Charles Ganiel; Professor Yochai Benkler; and Mr. Daniel Cindrich. The argument for the production of each of the additional Defense requested witnesses in the event of a sentencing only case is the same as previously stated above and need not be repeated here. Each requested witness clearly meets the requirements of R.C.M. 1001(e). As such, this Court should compel the presence of the Defense requested witnesses.

CONCLUSION

20. Based upon the above, the Defense requests this Court to compel production of the Defense requested witnesses for merits and for sentencing.

Respectfully submitted,



DAVID EDWARD COOMBS  
Civilian Defense Counsel

IN THE UNITED STATES ARMY  
FIRST JUDICIAL CIRCUIT

UNITED STATES OF AMERICA

v.

Manning, Bradley E.  
PFC, U.S. Army,  
HHC, U.S. Army Garrison,  
Joint Base Myer-Henderson Hall  
Fort Myer, Virginia 22211

)  
)  
) **RULING: Prosecution Request**  
) **for Leave until 19 November 2012**  
) **to File Government Interrogatories**  
)  
)  
) **20 November 2012**

On 16 November 2012 at 2345 the Government requested leave of the Court until 19 November 2012 to file its response to Defense Interrogatories. Defense opposed and requested the Court to consider the filing as an untimely filing for Article 10 purposes. On 19 November 2012, the Government filed a classified reply and a redacted unclassified reply. The Government also filed the response to Defense Interrogatories on 19 November 2012. The Court has considered all the filings by the parties.

The Government request for leave of Court until 19 November 2012 is **GRANTED**. The Court will consider the timing and reasons for the Government request for leave of court for the Article 10 speedy trial motion.



DENISE R. LIND  
COL, JA  
Chief Judge, 1<sup>st</sup> Judicial Circuit

## UNITED STATES

**V.**

DATED: 26 November 2012

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"Enemy" includes (not only) organized opposing forces in time of war, (but also any other hostile body that our forces may be opposing) (such as a rebellious mob or a band of renegades) (and includes civilians as well as members of military organizations). ("Enemy" is not restricted to the enemy government or its armed forces. All the citizens of one belligerent are enemies of the government and the citizens of the other.)

"Indirect means" means that the accused knowingly gave the intelligence to the enemy through a 3<sup>rd</sup> party, an intermediary, or in some other indirect way.

"Knowingly" requires actual knowledge by the accused that by giving the intelligence to the 3<sup>rd</sup> party or intermediary or in some other indirect way, that he was actually giving intelligence to the enemy through this indirect means. This offense requires that the accused had a general evil intent in that the accused had to know he was dealing, directly or indirectly, with an enemy of the United States. "Knowingly" means to act voluntarily or deliberately. A person cannot violate Article 104 by committing an act inadvertently, accidentally, or negligently that has the effect of aiding the enemy.

The Court declines to give the instructions requested by the Defense regarding actual knowledge and indirect means because they add a specific intent element to Article 104 (Giving Intelligence to the Enemy) that is not required by the statute. The Court's "general evil intent" and knowledge that the accused was dealing with the enemy language is taken from *U.S. v. Olson*, 20 C.M.R. 461 (C.M.A. 1955) and *U.S. v. Batchelor*, 22 C.M.R. 44 (C.M.A. 1956).

The Court reserves its decision on whether to instruct on mistake of fact as requested by the Defense until the close of the evidence to determine whether a mistake of fact defense is raised by the evidence.

**CHARGE II, Specification I: Wrongfully and Wantonly Causing Publication of Intelligence Belonging to the United States on the Internet Knowing the Intelligence is Accessible to the Enemy to the Prejudice of Good Order and Discipline in the Armed Forces or of a Nature to Bring Discredit Upon the Armed Forces**

In specification 1 of Charge II, the accused is charged with the offense of Wrongfully and Wantonly Causing Publication of Intelligence Belonging to the United States on the Internet Knowing the Intelligence is Accessible to the Enemy to the Prejudice of Good Order and Discipline and Being of a Nature to Bring Discredit Upon the Armed Forces, in violation of Article 134, UCMJ. In order to find the accused guilty of this offense, you must be convinced by legal and competent evidence beyond reasonable doubt:

(1) That at or near Contingency Station Hammer, Iraq, between on or about 1 November 2009 and on or about 27 May 2010, the accused wrongfully and wantonly caused to be published on the internet, intelligence belonging to the United States Government, having knowledge that Intelligence published on the internet is accessible to the enemy; and;

(2) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

The definitions of "intelligence" and "enemy" I read for you for the specification of Charge I also applies to this offense. Would any member like me to repeat those definitions to you?

"Wrongful" means without legal justification or excuse.

"Wanton" includes "recklessness" but may connote willfulness, or a disregard of probable consequences and thus describes a more aggravated offense. "Reckless" conduct is conduct that exhibits a culpable disregard of foreseeable consequences to others from the act or omission involved. The accused need not intentionally cause a resulting harm. The ultimate question is whether under all the circumstances, the accused's conduct was of that heedless nature that made it actually or imminently dangerous to others.

"Knowledge" requires that accused acted with actual knowledge that intelligence published on the internet was accessible to the enemy. You may not find the accused guilty of this offense if you find that the accused should have known, but did not actually know this fact. Knowledge, like any other fact, may be proved by circumstantial evidence, including the accused's training, experience, and military occupational specialty.

"Caused to be published" means the action of the accused was a proximate cause of the publication even if it is not the only cause, as long as it is a direct or contributing cause that plays a material role, meaning an important role, in bringing about the publication. An act is not a proximate cause if some other unforeseeable, independent, intervening event, which did not involve the accused's conduct, was the only cause that played any important part in bringing about the publication.

"Conduct prejudicial to good order and discipline" is conduct which causes a reasonably direct and obvious injury to good order and discipline. "Service discrediting conduct" is conduct which tends to harm the reputation of the service or lower it in public esteem.

With respect to "prejudice to good order and discipline," the law recognizes that almost any irregular or improper act on the part of a service member could be regarded as prejudicial in some indirect or remote sense; however, only those acts in which the prejudice is reasonably direct and palpable is punishable under this Article.

With respect to "service discrediting," the law recognizes that almost any irregular or improper act on the part of a service member could be regarded as service discrediting in some indirect or remote sense; however, only those acts which would have a tendency to bring the service into disrepute or which tend to lower it in public esteem are punishable under this Article.

Under some circumstances, the accused's conduct may not be prejudicial to good order and discipline but, nonetheless, may be service discrediting, as I have explained those terms to you. Likewise, depending on the circumstances, the accused's conduct can be prejudicial to good order and discipline but not be service discrediting.



## **Findings:**

The Court finds that a definition of "caused to be published" will be helpful to the members. The "caused to be published instruction" stated above is taken from the proximate cause instruction currently in the Military Judge's Benchbook at 5-19. The proposed Defense instruction adds elements to the offense charged.

The Court tailored the definition of knowledge proposed by the Defense. The definition requires the fact finder to find beyond a reasonable doubt that the accused act with actual knowledge and not constructive knowledge.

Clauses 1 and 2 of Article 134 are alternate theories of proving that offense. The members do not have to find both that the conduct was prejudicial to good order and discipline and was service discrediting. So long as the fact finder finds at least one theory beyond a reasonable doubt, the fact-finder can find the accused guilty. The Court will instruct accordingly. If a findings worksheet is necessary, the parties may request the Court to tailor the findings worksheet such that the fact finder be given the option to except Clause 1 or Clause 2 from the specification.

### **CHARGE II, Specifications 4, 6, 8, 12, and 16: Stealing, Purloining, or Knowingly Converting Records Belonging to the United States of a Value in Excess of \$1,000.00.**

In specifications 4, 6, 8, 12, and 16 of Charge II, the accused is charged with the offense of Stealing, Purloining, or Knowingly Converting Records Belonging to the United States, of a Value in Excess of \$1,000.00, in violation of Title 18 United States Code, Section 641 and Article 134, UCMJ. In order to find the accused guilty of this offense, you must be convinced by legal and competent evidence beyond reasonable doubt that:

- (1) A or near Contingency Operating Station Hammer, Iraq,

**SPECIFICATION 4:** between on or about 31 December 2009 and on or about 5 January 2010; the accused did steal, purloin, or knowingly convert records to his own use or someone else's use, to wit: the Combined Information Data Network Exchange Iraq database containing more than 380,000 records;

**SPECIFICATION 6:** between on or about 31 December 2009 and on or about 8 January 2010; the accused did steal, purloin, or knowingly convert records to his own use or someone else's use, to wit: the Combined Information Network Exchange Afghanistan database containing more than 90,000 records;

**SPECIFICATION 8:** on or about 8 March 2010; the accused did steal, purloin, or knowingly convert records to his own use or someone else's use, to wit: a United States Southern Command database;

**SPECIFICATION 12:** between on or about 28 March 2010 and on or about 27 May 2010; the accused did steal, purloin, or knowingly convert records to his own use or someone else's use, to

wit: the Department of State Net-Centric Diplomacy database containing more than 250,000 records;

**SPECIFICATION 16:** between on or about 11 May 2010 and on or about 27 May 2010; the accused did steal, purloin, or knowingly convert records to his own use or someone else's use, to wit: the United States Forces – Iraq Microsoft Outlook/SharePoint Exchange Server global address list;

**(Elements Common to all specifications)**

- (2) the records belonged to the United States or a department or agency, thereof;
- (3) the accused acted knowingly and willfully and with the intent to deprive the government of the use and benefit of the records; and
- (4) the records were of a value greater than \$1,000;
- (5) at the time 18 U.S.C. Section 641 was in existence on the dates alleged in the specification;
- (6) under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

The same definitions for prejudice to good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces that I read for you for specification 1 of Charge II also apply to this offense.

To “steal” means to wrongfully take money or property belonging to the United States government with the intent to deprive the owner of the use and benefit temporarily or permanently.

“Wrongful” means without legal justification or excuse.

To “purloin” is to steal with the element of stealth, that is, to take by stealth the property of the United States government with intent to deprive the owner of the use and benefit of the property temporarily or permanently.

A “taking” doesn’t have to be any particular type of movement or carrying away. Any appreciable and intentional change in the property’s location is a taking, even if the property isn’t removed from the owner’s premises. The accused did not have to know the United States government owned the property at the time of the taking.

A “conversion” may be consummated without any intent to permanently deprive the United States of the use and benefit of the property and without any wrongful taking, where the initial possession by the converter was entirely lawful. Conversion may include the misuse or abuse of

property. It may reach use in an unauthorized manner or to an unauthorized extent of property placed in one's custody for limited use. Not all misuse of government property is a conversion. The misuse must seriously and substantially interfere with the United States government's property rights.

"Value" means the greater of (1) the face, par, or market value, or (2) the price, whether wholesale or retail. A "thing of value" can be tangible or intangible property. Government information, although intangible is a species of property and a thing of value.

The market value of stolen goods may be determined by reference to a price that is commanded in the market place whether that market place is legal or illegal. In other words, market value is measured by the price a willing buyer will pay a willing seller. (The illegal market place is also known as a "thieves market".) "Cost price" means the cost of producing or creating the specific property allegedly stolen, purloined, or knowingly converted.

An act is done "willfully" if it is done voluntarily and intentionally with the specific intent to do something the law forbids, that is, with a bad purpose to disobey or disregard the law.

An act is done "knowingly" if it is done voluntarily and intentionally and not because of mistake or accident or other innocent reason.

I have taken judicial notice that Title 18, United States Code Section 641 was in existence on the dates alleged in specifications 4, 6, 8, 12, and 16 of Charge II.

**LESSER INCLUDED OFFENSE: Stealing, Purloining, or Knowingly Converting Records Belonging to the United States, of a Value of \$1,000.00 or less, in violation of Title 18 United States Code, Section 641 and Article 134, UCMJ.**

The court is further advised that the offense of Stealing, Purloining, or Knowingly Converting Records Belonging to the United States, of a Value of \$1000.00 or less is a lesser included offense of the offense set forth in specifications 4, 6, 8, 12, and 16 of Charge II. When you vote, if you find the accused not guilty of the offense charged, that is Stealing, Purloining, or Knowingly Converting Records Belonging to the United States, of a Value in Excess of \$1000.00, then you should consider the lesser included offense of Stealing, Purloining, or Knowingly Converting Records Belonging to the United States, of a Value of \$1000.00 or less, also in violation of Title 18 U.S. Code Section 641 and Article 134, UCMJ. In order to find the accused guilty of this lesser offense, you must be convinced by legal and competent evidence beyond reasonable doubt all of the elements as set forth in specifications 4, 5, 8, 12, and 16 except the value element. The value element of the lesser included offense requires that the Government prove the property in each specification was of a value of \$1000.00 or less.

The offense of Stealing, Purloining, or Knowingly Converting Records Belonging to the United States, of a Value of \$1000.00 or less is a lesser included offense of the offense of Stealing, Purloining, or Knowingly Converting Records Belonging to the United States, of a Value in Excess of \$1000.00, as set forth in Specifications 4, 6, 8, 12, and 16 of Charge II. If you find the accused not guilty of the charged offense in specifications 4, 6, 8, 12, and 16 of Charge II, you should then consider the lesser included offense of Stealing, Purloining, or Knowingly

Converting Records Belonging to the United States, of a Value of \$1000.00 or less. The offense and the lesser included offense differ in that the charged offense requires as an essential element that you be satisfied beyond a reasonable doubt that the property Stolen, Purloined, or Knowingly Converted was of a value in excess of \$1000.00. The lesser included offense does not include that element but does require as an essential element that you be satisfied beyond reasonable doubt that the property Stolen, Purloined, or Knowingly Converted was of a value of \$1000.00 or less.

#### **Findings:**

The Court arrived at the proposed instructions by considering the instructions requested by the parties and any responses to include enclosures and cited authority, pattern jury instructions for 18 U.S.C. Section 641 for the 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> Circuits, the Federal Jury Instructions provided to the Court from the Defense from the book "Federal Jury Instructions", the Federal District Court Jury Instructions in *United States v. Morrison*, , and the additional research provided by the Defense regarding whether "knowing conversion" requires substantial interference with the government's use of the property and "thieves market". The definitions of "steal", "purloin", and "knowingly convert" are taken from *U.S. v. Morrisette*, 342 U.S. 246 (1952). The definitions of "knowing" and "willful" are taken from the District Court's instructions in *States v. Morrison*, and from *U.S. v. May*, 625 F.2d 186, 190 (8<sup>th</sup> Cir. 1980) quoting *O'Malley v. United States*, 378 F.2d 401, 404 (1<sup>st</sup> Cir.) cert. denied, 389 U.S. 1008 (1967) and *United States v. Lee*, 589 F.2d 980 (9<sup>th</sup> Cir. 1979). The Court will give a "thieves market" instruction if evidence is presented on the value of the records alleged to be stolen, purloined, or knowingly converted by the accused in a thieves market.

#### **CHARGE II, Specifications 2, 3, 5, 7, 9, 10, 11, and 15: Transmitting Defense information.**

In specifications 2, 3, 5, 7, 9, 10, 11, and 15 of Charge II, the accused is charged with the offense of Transmitting Defense Information, in violation of Title 18, United States Code Section 793(e) and Article 134, UCMJ. In order to find the accused guilty of this offense, you must be convinced by legal and competent evidence beyond reasonable doubt:

(1) That at or near Contingency Operating Station Hammer, Iraq,

**SPECIFICATION 2:** between on or about 15 February 2010 and on or about 5 April 2010; the accused, without authorization, had possession of, access to, or control over: a video file named "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi";

**SPECIFICATION 3:** between on or about 22 March 2010 and on or about 26 March 2010; the accused, without authorization, had possession of, access to, or control over: more than one classified memorandum produced by a United States government intelligence agency;

**SPECIFICATION 5:** on or about 31 December 2009 and on or about 9 February 2010; the accused, without authorization, had possession of, access to, or control over: more than 20 classified records from the Combined Information Data Network Exchange Iraq database;

**SPECIFICATION 7:** between on or about 31 December 2009 and on or about 9 February 2010; the accused, without authorization, had possession of, access to, or control over: more than 20 classified records from the Combined Information Network Exchange Afghanistan database;

**SPECIFICATION 9:** between on or about 8 March 2010 and on or about 27 May 2010; the accused, without authorization, had possession of, access to, or control over: more than 3 classified records from a United States Southern Command database;

**SPECIFICATION 10:** between on or about 11 April 2010 and on or about 27 May 2010; the accused, without authorization, had possession of, access to, or control over: more than 5 classified records relating to a military operation in Farah Province, Afghanistan occurring on or about 4 May 2009;

**SPECIFICATION 11:** between on or about 1 November 2009 and on or about 8 January 2010; the accused, without authorization, had possession of, access to, or control over: a file named "BE22 PAX.zip" containing a video named "BE22 PAZX.wmv";

**SPECIFICATION 15:** between on or about 15 February 2010 and on or about 15 March 2010; the accused, without authorization, had possession of, access to, or control over: a classified record produced by a United States Army intelligence organization, dated 18 March 2008;

**(Elements Common to all specifications)**

(2) the classified records, classified memorandum, videos, and files described for each specification in element (1) was information related to the national defense;

(3) the accused had reason to believe the classified records, classified memorandum, videos, and files described for each specification in element (1) could be used to the injury of the United States or to the advantage of any foreign nation;

(4) the accused willfully communicated, delivered, or transmitted or caused to be communicated, delivered, or transmitted the above material to any person not entitled to receive it;

(5) at the time 18 U.S.C. Section 793(e) was in existence on the dates alleged in the specification;

(6) under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

The same definitions for prejudice to good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces that I read for you for specification 1 of Charge II also apply to this offense. Would any member like me to repeat those definitions?

An act is done "willfully" if it is done voluntarily and intentionally with the specific intent to do something the law forbids, that is, with a bad purpose to disobey or disregard the law.

"Possession" means the act of having or holding property or the detention of property in one's power or command. Possession may mean actual physical possession or constructive possession. "Constructive possession" means having the ability to exercise dominion or control over an item. Possession inherently includes the power or authority to preclude control by others. It is possible, however, for more than one person to possess an item simultaneously, as when several people share control of an item.

A person has unauthorized possession of documents, photographs, videos, or computer files when he possesses such information under circumstances or in a location which is contrary to law or regulation for the conditions of his employment.

The term "national defense" is a broad term which refers to the United States military and naval establishments and to all related activities of national preparedness.

To prove that documents, writings, photographs, videos, or information relate to the national defense, there are two things that the government must prove:

- (1) that the disclosure of the material would be potentially damaging to the United States or might be useful to an enemy of the United States; and
- (2) that the material is closely held by the United States government, in that the relevant government agency has sought to keep the information from the public generally and has not made the documents, photographs, videos, or computer files available to the general public. Where the information has been made public by the United States government and is found in sources lawfully available to the general public, it does not relate to the national defense. Similarly, where the sources of information are lawfully available to the public, and the United States government has made no effort to guard such information, the information itself does not relate to the national defense.

In determining whether material is "closely held," you may consider whether it has been classified by appropriate authorities and whether it remained classified on the date or dates pertinent to the charge sheet. You may consider whether the information was classified or not in determining whether the information relates to the national defense. However, the fact that the information is designated as classified does not, in and of itself, demonstrate that the information relates to the national defense.

"Reason to believe" means that the accused knew facts from which he concluded or reasonably should have concluded that the information could be used for the prohibited purposes. In considering whether the accused had reason to believe that the information could be used to the injury of the United States or to the advantage of a foreign country, you may consider the nature of the information involved. You need not determine that the accused had reason to believe that the information would be used against the United States, only that it could be so used. Additionally, the likelihood of the information being used to the injury of the United States or to the advantage of any foreign nation must not be remote, hypothetical, speculative, far-fetched, or fanciful. The Government is not required to prove that the information obtained by the accused was in fact used to the injury of the United States or to the advantage of any foreign nation.

The government does not have to prove that the accused had reason to believe that his act could both injure the United States and be to the advantage of a foreign country – the statute reads in the alternative. Also, the country to whose advantage the information could be used need not necessarily be an enemy of the United States. The statute does not distinguish between friend and enemy.

In determining whether the person who received the information was entitled to have it, you may consider all the evidence introduced at trial, including any evidence concerning the classification status of the information, any evidence relating to law and regulations governing the classification and declassification of national security information, its handling, use, and distribution, as well as any evidence relating to regulations governing the handling, use, and distribution of information obtained from classified systems.

I have taken judicial notice that Title 18, United States Code Section 793(e) was in existence on the dates alleged in specifications 2, 3, 5, 7, 9, 11, and 15 of Charge II.

#### **Findings:**

The Court arrived at the proposed instructions for specifications 2, 3, 5, 7, 9, 11, and 15 of Charge II by considering the instructions requested by the parties and any responses to include enclosures and cited authority, pattern jury instructions for 18 U.S.C. Section 793(e) for the 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> Circuits, the Federal Jury Instructions provided to the Court from the Defense from the book "Federal Jury Instructions", the Federal District Court Jury Instructions in *United States v. Morrison* and *United States v. Regan*.

#### **CHARGE II, Specifications 13 and 14: Fraud and Related Activity With Computers**

In specification 13 and 14 of Charge II, the accused is charged with the offense of Fraud and Related Activity in Connection with Computers, in violation of Title 18, United States Code, Section 1030(a)(1) and Article 134, UCMJ. In order to find the accused guilty of this offense, you must be convinced by legal and competent evidence beyond reasonable doubt:

- (1) That at or near Contingency Operating Station Hammer, Iraq,

**SPECIFICATION 13:** between on or about 28 March 2010 and on or about 27 May 2010;

**SPECIFICATION 14:** between on or about 15 February 2010 and on or about 18 February 2010;

the accused knowingly accessed a computer exceeding authorized access on a Secret Internet Protocol Router Network.

(2) the accused obtained information that has been determined by the United States Government by Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations; to wit:

**SPECIFICATION 13:** more than 75 classified United States Department of State cables;

**SPECIFICATION 14:** a classified Department of State cable titled "Reykjavik-13";

(3) the accused had reason to believe the information obtained could be used to the injury of the United States or to the advantage of any foreign nation;

(4) the accused communicated, delivered, transmitted, or caused to be communicated, delivered or transmitted the information to a person not entitled to receive it.

(5) the accused acted willfully; and

(6) under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

The same definitions for prejudice to good order and discipline in the armed forces, and of a nature to bring discredit upon the armed forces that I read for you for specification 1 of Charge II also apply to this offense.

An act is done "willfully" if it is done voluntarily and intentionally with the specific intent to do something the law forbids, that is, with a bad purpose to disobey or disregard the law.

An act is done "knowingly" if it is done voluntarily and intentionally and not because of mistake or accident or other innocent reason.

The term "computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand-held calculator, or other similar device.



The term "exceeds authorized access" means that the accused accessed a computer with authorization and used such access to obtain or alter information in the computer that the Accused is not entitled so to obtain or alter. It is the knowing use of the computer by exceeding authorized access which is being proscribed, not the unauthorized possession of, access to, or control over the protected information itself.

"Reason to believe" means that the accused knew facts from which he concluded or reasonably should have concluded that the information could be used for the prohibited purposes. In considering whether the accused had reason to believe that the information could be used to the injury of the United States or to the advantage of a foreign country, you may consider the nature of the information involved. You need not determine that the accused had reason to believe that the information would be used against the United States, only that it could be so used. Additionally, the likelihood of the information being used to the injury of the United States or to the advantage of any foreign nation must not be too remote, hypothetical, speculative, far-fetched, or fanciful. The Government is not required to prove that the information obtained by the accused was in fact used to the injury of the United States or to the advantage of any foreign nation.

The government does not have to prove that the accused had reason to believe that his act could both injure the United States and be to the advantage of a foreign country – the statute reads in the alternative. Also, the country to whose advantage the information could be used need not necessarily be an enemy of the United States. The statute does not distinguish between friend and enemy.

In determining whether the person who received the information was entitled to have it, you may consider all the evidence introduced at trial, including any evidence concerning the classification status of the information, any evidence relating to law and regulations governing the classification and declassification of national security information, its handling, use, and distribution, as well as any evidence relating to regulations governing the handling, use, and distribution of information obtained from classified systems.

The term "person" means any individual, firm, corporation education institution, financial institution, governmental entity, or legal or other entity.

I have taken judicial notice that Title 18, United States Code Section 1030(a)(1) was in existence on the date alleged in the specification.

#### **Findings:**

The Court arrived at the proposed instructions for specifications 13 and 14 of Charge II by considering the instructions requested by the parties and any responses to include enclosures and cited authority, pattern jury instructions for 18 U.S. C. Section 1030(a)(1), for the 8<sup>th</sup>, 9<sup>th</sup>, and 11<sup>th</sup> Circuits, the Federal Jury Instructions provided to the Court from the Defense from the book "Federal Jury Instructions". The definition for "exceeds authorized access" is taken from 18 U.S.C. Section 1030(a)(6) and the 1996 legislative history. The definitions of "knowing",

“willful”, and “reason to believe” are the same as those instructed upon for the specifications in violation of 18 U.S.C. Section 793(e).

**CHARGE III, Specifications 1-5: Violation of a Lawful General Regulation:**

In specifications 1-5 of Charge III, the accused is charged with the offense of Violating a Lawful General Order, in violation of Article 92, UCMJ. In order to find the accused guilty of this offense, you must be convinced by legal and competent evidence beyond reasonable doubt:

(1) That there was in existence a certain lawful general regulation in the following terms:

**Specification 1:** paragraph 4-5(a)(4), Army Regulation 25-2, dated 24 October 2007;

**Specification 2:** paragraph 4-5(a)(3), Army Regulation 25-2, dated 24 October 2007;

**Specification 3:** paragraph 4-5(a)(3), Army Regulation 25-2, dated 24 October 2007;

**Specification 4:** paragraph 4-5(a)(3), Army Regulation 25-2, dated 24 October 2007;

**Specification 5:** paragraph 7-4, Army Regulation 380-5, dated 29 September 2000;

(2) That the accused had a duty to obey such regulation; and

(3) That at or near Contingency Operating Station Hammer, Iraq:

**Specification 1:** between on or about 1 November 2009 and on or about 8 March 2010 the accused violated this lawful general regulation by attempting to bypass network or information security system mechanisms.

**Specification 2:** between on or about 11 February 2010 and on or about 3 April 2010 the accused violated this lawful general regulation by adding unauthorized software to a Secret Internet Protocol Router Network computer.

**Specification 3:** on or about 4 May 2010 the accused violated this lawful general regulation by adding unauthorized software to a Secret Internet Protocol Router Network computer.

**Specification 4:** between on or about 11 May 2010 and on or about 27 May 2010 the accused violated this lawful general regulation by using an information system in a manner other than its intended purpose.

**Specification 5:** between on or about 1 November 2009 and on or about 27 May 2010 the accused violated this lawful general regulation by wrongfully storing classified information.

**NOTE 1: Proof of existence of order or regulation.** The existence of the order or regulation must be proven or judicial notice taken.

**NOTE 2: Lawfulness of order or regulation.** The lawfulness of the order or regulation is not a separate element of the offense. Thus,

the issue of lawfulness is determined by the MJ and is not submitted to the members. See United States v. New, 55 MJ 95 (CAAF 2001); United States v. Deisher, 61 MJ 313 (CAAF 2005). To be lawful, the order or regulation must relate to specific military duty and be one that the noncommissioned/warrant/petty officer was authorized to give the accused. The order or regulation must require the accused to do or stop doing a particular thing either at once or at a future time. An order or regulation is lawful if reasonably necessary to safeguard and protect the morale, discipline, and usefulness of the members of a command and is directly connected with the maintenance of good order in the services. (The three preceding sentences may be modified and used by the MJ during a providence inquiry to define "lawfulness" for the accused.) When the MJ determines that, based on the facts, the order or regulation was lawful, the MJ should advise the members as follows:

As a matter of law, the (order) (regulation) in this case, as described in the specification, if in fact there was such (an order) (a regulation), was a lawful (order) (regulation).

**NOTE 3: Order or regulation determined to be unlawful.** An order or regulation is illegal if, for example, it is unrelated to military duty, its sole purpose is to accomplish some private end, it is arbitrary and unreasonable, and/or it is given for the sole purpose of increasing the punishment for an offense which it is expected the accused may commit. If the MJ determines that, based on the facts, the order was not lawful, the MJ should dismiss the affected specification, and the members should be so advised.

**NOTE 4: Dispute as to whether order was general.** If there is a factual dispute whether the order was general, that dispute must be resolved by the members in connection with their determination of guilt or innocence. The following instruction may be given:

General (orders) (regulations) are those (orders) (regulations) which are generally applicable to an armed force and which are properly published by (the President) (the Secretary of (Defense) (Homeland Security) (or) (a military department).

General (orders) (regulations) also include those (orders) (regulations) which are generally applicable to the command of the officer issuing them throughout the command or a particular subdivision thereof and which are issued by (an officer having general court-martial jurisdiction) (or) (a general or flag officer in command) (or) (a commander superior to one of these).

You may find the accused guilty of violating a general (order) (regulation) only if you are satisfied beyond a reasonable doubt that the (order) (regulation) was general.

**NOTE 5: Deleted.**

**NOTE 6: Order issued by previous commander. If appropriate, the following additional instruction may be given:**

A general (order) (regulation) issued by a commander with authority to do so retains its character as a general (order) (regulation) when another officer takes command, until it expires by its own terms or is rescinded by separate action.

**NOTE 7: Orders or regulations containing conditions. When an alleged general order or regulation prohibits a certain act or acts "except under certain conditions," (e.g., "except in the course of official duty"), and the issue is raised by the evidence, the burden is upon the prosecution to prove that the accused is not within the terms of the exception. In such a case, the MJ must inform the members of the specific exception(s) when listing the elements of the offense. Additionally, under present law an instruction substantially as follows must be provided:**

When a general (order) (regulation) prohibits (a) certain act(s), except under certain conditions, then the burden is on the prosecution to establish by legal and competent evidence beyond a reasonable doubt that the accused does not come within the terms of the exception(s).

**Conclusion.** The Court's Proposed Draft Instructions substantially cover the relevant and legally correct instructions proposed by the parties. These draft instructions may be modified by the Court as necessary from the presentation of the evidence. Affirmative defense, evidentiary, and procedural instructions will be drafted as appropriate during the trial.



DENISE R. LIND

COL, JA

Chief Judge, 1st Judicial Circuit

IN THE UNITED STATES ARMY  
FIRST JUDICIAL CIRCUIT

UNITED STATES

v.

MANNING, Bradley E., PFC

U.S. Army, [REDACTED]

Headquarters and Headquarters Company, U.S.

Army Garrison, Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

) AMENDED

) DRAFT

) INSTRUCTIONS:

) DATED: 10 April 2013

Pursuant to the Court's Order at AE 516, the Court makes the following change to the Instructions at AE 410:

Change:

From: "Intelligence" means any helpful information, given to and received by the enemy, which is true, at least in part.

To: "Intelligence" means any information helpful to the enemy which is true, at least in part. To find the accused guilty of this offense, the Government must prove beyond a reasonable doubt that the intelligence was given to and received by, the enemy."

So ORDERED this 10<sup>th</sup> day of April 2013.



DENISE R. LIND

COL, JA

Chief Judge, 1st Judicial Circuit

IN THE UNITED STATES ARMY  
FIRST JUDICIAL CIRCUIT

UNITED STATES

) AMENDMENT #3

) DRAFT

) INSTRUCTIONS:

v.

MANNING, Bradley E., PFC

U.S. Army, [REDACTED]

Headquarters and Headquarters Company, U.S.

Army Garrison, Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

) DATED: 30 July 2013

For specifications 4, 6, 8, 12, and 16 of Charge II, (Stealing, Purloining, or Knowingly Converting Records Belonging to the United States of a Value in Excess of \$1000.00, in violation of 18 U.S.C. §641 and Article 134, UCMJ, the Court's instructions (AE 410a) omitted the word "cost" in the statutory definition of "value". Accordingly, the Court makes the following amendment to the Instruction on the definition of value for these specifications:

Current Instruction: "Value" means the greater of (1) the face, par, or market value, or (2) the price, whether wholesale or retail. A "thing of value" can be tangible or intangible property. Government information, although intangible is a species of property and a thing of value.

Amended Instruction: "Value" means the greater of (1) the face, par, or market value, or (2) the cost price, whether wholesale or retail. A "thing of value" can be tangible or intangible property. Government information, although intangible is a species of property and a thing of value.

So ORDERED this 30<sup>th</sup> day of July 2013.



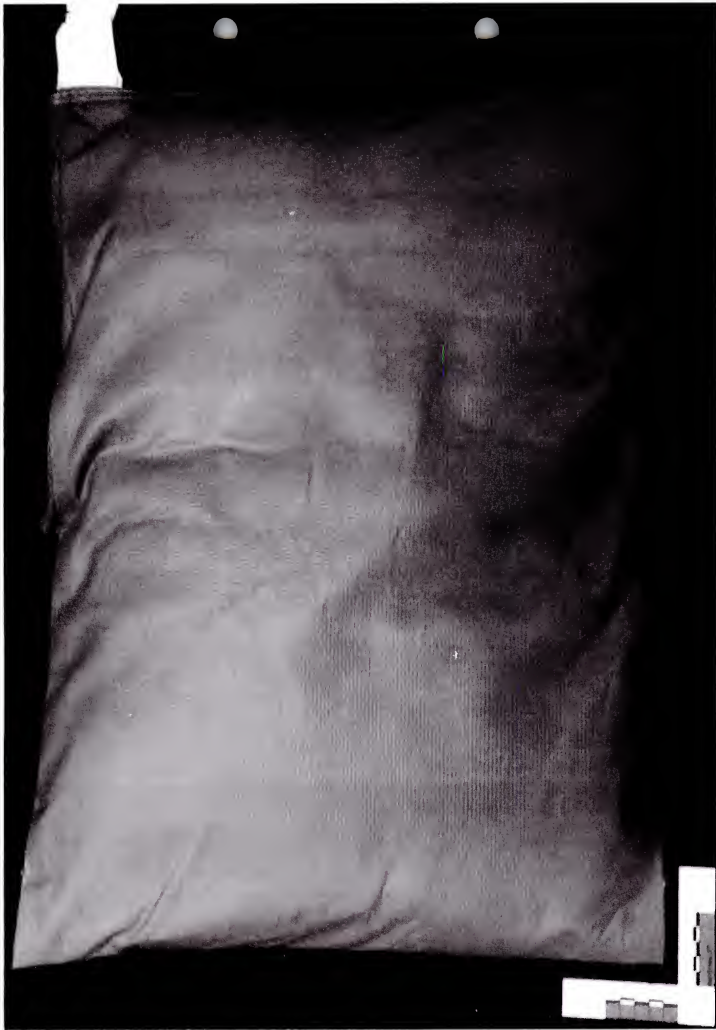
DENISE R. LIND

COL, JA

Chief Judge, 1st Judicial Circuit



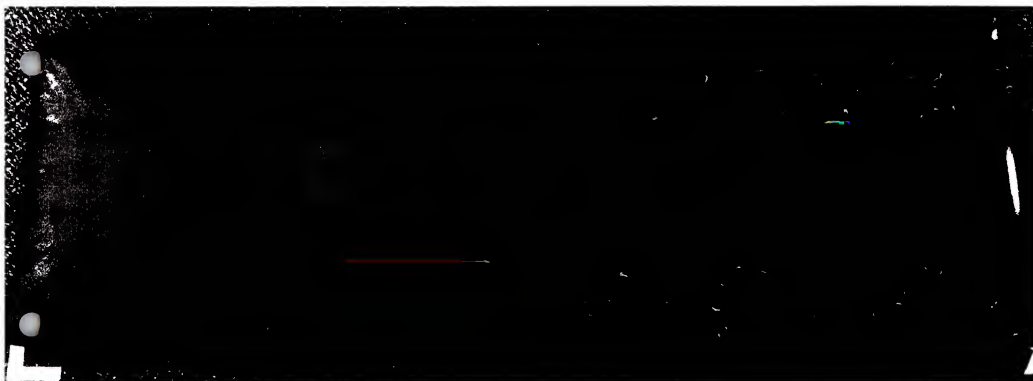
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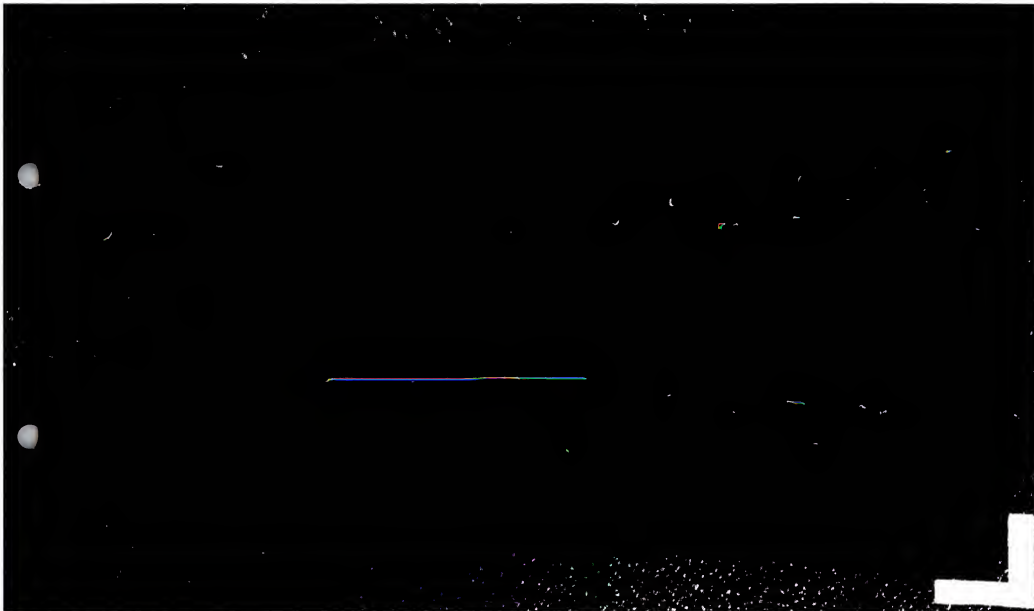




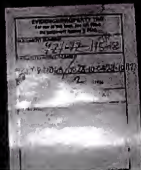
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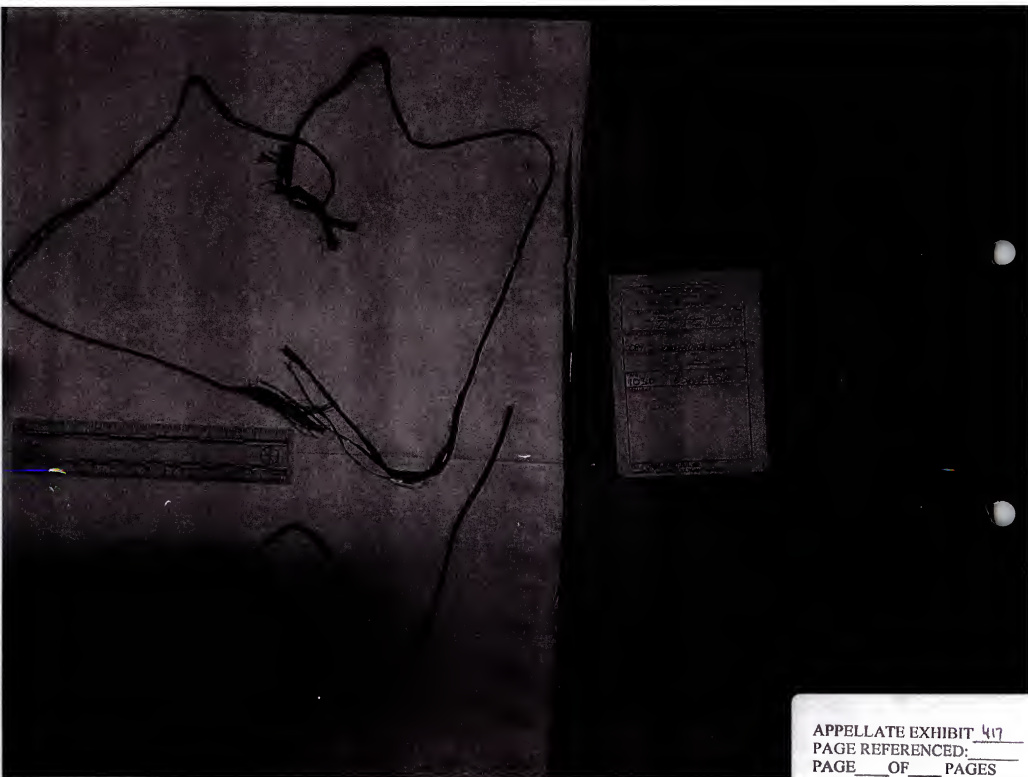
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**From:** Choike Col Daniel J  
**Sent:** Monday, August 09, 2010 3:14 PM  
**To:** Flynn LtGen George J  
**Cc:** Reed SgtMaj Dennis W; Mortenson Col Royal; Miner Col Christopher W; Neill CAPT Mary; Kauzlarich Col Mark M; Oltman Col Robert G  
**Subject:** RE: Behavioral Profile: Struggles Of Soldier Charged In Leak Case  
**Signed By:** daniel.choike@usmc.mil

Sir,

During our initial OPT, when we were just hours away from receiving PFC Manning, the Base Staff along with Sec Bn Cmdr and the CO of the Naval Health Clinic discussed proper receiving of the detainee, the initial mental health assessments, continuous mental health screening/assessments and proper brig supervision. PFC Manning is on suicide watch, which means he is under constant observation. He is in his cell in skivvies and has only a blanket. Measures are in place now to ensure all personnel (Brig Staff/ Counselors/Mental Health Physicians) who come in contact with PFC Manning, know that if he no longer meets the criteria to be detained, that we would be immediately transferred to the mental health ward in Walter Reed.

The Army Correctional Command actually owns him and has asked for second and third opinions on his mental health and ability to handle the stress of being detained in our brig. I just got off the phone with the CO of the Naval Health Clinic and also just met with Col Oltman, and directed that they provide me weekly updates on Manning, by providing general info on his attitude and mental health. Will forward a copy of the weekly reports to you personally, and it will be separate from the weekly Base Updates.

Of note: Col Oltman states that mail from Code Pink and other organizations that think Manning is a hero, Manning is refusing all mail addressed to him from those types of organizations.

Sir, we all understand the importance of maintaining a close watch and ensuring he is mentally stable to remain detained in our facility for quite some time.

VR, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

**From:** Flynn LtGen George J  
**Sent:** Monday, August 09, 2010 13:42  
**To:** Oltman Col Robert G; Choike Col Daniel J  
**Cc:** Reed SgtMaj Dennis W; Mortenson Col Royal; Miner Col Christopher W  
**Subject:** FW: Behavioral Profile: Struggles Of Soldier Charged In Leak Case  
**Importance:** High

Bob and Dan,

We have had one suicide of a high risk prisoner in the brig. We need to make sure that we have covered down on what we learned from that case. Based on the below, this young man has a great deal on his plate and it would be good if you impressed upon all who come in contact with Pvt. Manning the absolute necessity of keeping a close watch on him. This includes Brig, medical, Chaplain and transport personnel. His life has completely fallen apart which makes him a strong candidate (from my perspective) to take his life.

S/F  
GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: george.j.flynn@usmc.mil  
SIPR: george.flynn@usmc.smil.mil

New York Times  
August 9, 2010

#### Early Struggles Of Soldier Changed In Leak Case

By Ginger Thompson

CAMBRIDGE, Mass. < He spent part of his childhood with his father in the arid plains of central Oklahoma, where classmates made fun of him for being a geek. He spent another part with his mother in a small, remote corner of southwest Wales, where classmates made fun of him for being gay.

Then he joined the Army, where, friends said, his social life was defined by the need to conceal his sexuality under 'don't ask, don't tell' and he wasted brainpower fetching coffee for officers.

But it was around two years ago, when Pfc. Bradley Manning came here to visit a man he had fallen in love with, that he finally seemed to have found a place where he fit in, part of a social circle that included politically motivated computer hackers and his boyfriend, a self-described drag queen.

So when his military career seemed headed nowhere good, Private Manning, 22, turned increasingly to those friends for moral support.

And now some of those friends say they wonder whether his desperation for acceptance < or delusions of grandeur < may have led him to disclose the largest trove of government secrets since the Pentagon Papers.

<sup>1</sup>I would always try to make clear to Brad that he had a promising future ahead of him,<sup>2</sup> said Daniel J. Clark, one of those Cambridge friends. <sup>3</sup>But when you're young and you're in his situation, it's hard to tell yourself things are going to get better, especially in Brad's case, because in his past, things didn't always get better.<sup>2</sup>

Blond and barely grown up, Private Manning worked as an intelligence analyst and was based east of Baghdad. He is suspected of disclosing more than 150,000 diplomatic cables, more than 90,000 intelligence reports on the war in Afghanistan and one video of a military helicopter attack < all of it classified. Most of the information was given to Wikileaks.org, which

posted the war reports after sharing them with three publications, including The New York Times.

Wikileaks has defended the disclosure, saying transparency is essential to democracy. The Pentagon has denounced the leaks, saying they put American soldiers and their Afghan allies in grave danger.

And while that dispute rages on, with the Pentagon having recently demanded that Wikileaks remove all secret documents from the Internet and hand over any undisclosed materials in its files, Private Manning is being held in solitary confinement at Quantico, Va., under suicide watch.

Private Manning's military-appointed lawyer, Maj. Thomas F. Hurley, declined an interview request.

Much remains unknown about his journey there from Crescent, Okla., the small town where he was born. But interviews with people who know him, along with e-mail exchanges between him and Adrian Lamo, the computer hacker who turned him in, offer some insights into Private Manning's early years, why he joined the Army and how he came to be so troubled, especially in recent months.

<sup>1</sup>I've been isolated so long,<sup>2</sup> Private Manning wrote in May to Mr. Lamo, who turned the chat logs over to the authorities and the news media. <sup>3</sup>But events kept forcing me to figure out ways to survive.<sup>2</sup>

Survival was something Private Manning began learning as a young child in Crescent. His father, Brian Manning, was also a soldier and spent a lot of time away from home, former neighbors recalled. His mother, Susan Manning, struggled to cope with the culture shock of having moved to the United States from her native Wales, the neighbors said.

One neighbor, Jacqueline Radford, recalled that when students at Private Manning's elementary school went on field trips, she sent additional food or money to make sure he had something to eat.

<sup>1</sup>I've always tried to be supportive of him because of his home life,<sup>2</sup> Ms. Radford said. <sup>1</sup>I know it was bad, to where he was left to his own, had to fend for himself.<sup>2</sup>

At school, Bradley Manning was clearly different from most of his peers. He preferred hacking computer games rather than playing them, former neighbors said. And they said he seemed opinionated beyond his years about politics, religion, and even about keeping religion out of politics.

In his Bible Belt hometown that he once mockingly wrote in an e-mail had <sup>3</sup>more pews than people,<sup>2</sup> Private Manning refused to recite the parts of the Pledge of Allegiance that referred to God or do homework assignments that involved the Scriptures. And if a teacher challenged his views, former classmates said, he was quick to push back.

<sup>3</sup>He would get upset, slam books on the desk if people wouldn't listen to him or understand his point of view,<sup>2</sup> said Chera Moore, who attended elementary and junior high school with him. <sup>3</sup>He would get really mad, and the teacher would say, @0.K., Bradley, get out.<sup>2</sup> <sup>2</sup>

It was something he would hear a lot throughout his life.

After Private Manning's parents divorced, he moved with his mother to Haverfordwest, Wales, her hometown, and began a new chapter of isolation.



Haverfordwest is several times bigger than Crescent. It is also centuries older, with traditions that run much deeper. A bustling market town, it offered a pace of life that was significantly faster.

Former students at his school there, Tasker Milward, remembered Private Manning being teased for all sort of reasons. His American accent. His love of Dr Pepper. The amount of time he spent huddled before a computer.

And then, students began to suspect he was gay.

Sometimes, former classmates said, he reacted to the teasing by idly boasting about stealing other students' girlfriends. At other times, he openly flirted with boys. Often, with only the slightest provocation, he would launch into fits of rage.

<sup>1</sup>It was probably the worst experience anybody could go through,<sup>2</sup> said Rowan John, a former classmate who was openly gay in high school. <sup>3</sup>Being different like me, or Bradley, in the middle of nowhere is like going back in time to the Dark Ages.<sup>2</sup>

But life ahead did not immediately brighten for Private Manning. After his troubled high school years, his mother sent him back to Oklahoma to live with his father and his older sister.

He was hired and quickly fired from a small software company, where his employer, Kord Campbell, recalled him as clean-cut and highly intelligent with an almost innate sense for programming, as well as the personality of a bull in a china shop. Then his father found out he was gay and kicked him out of the house, friends said. Mr. Clark, the Cambridge friend, said Private Manning told him he lived out of his car briefly while he worked in a series of minimum-wage retail jobs.

He enlisted in the Army in 2007, to try to give his life some direction and to help to pay for college, friends said.

He was granted a security clearance and trained as an intelligence analyst at Fort Huachuca, Ariz., before being assigned to the Second Brigade 10th Mountain Division at Fort Drum, N.Y.

Before being deployed to Iraq, Private Manning met Tyler Watkins, who described himself on his blog as a classical musician, singer and drag queen. A friend said the two had little in common, but Private Manning fell head over heels. Mr. Watkins, who did not respond to interview requests for this article, was a student at Brandeis University. On trips to visit him here in Cambridge, Private Manning got to know many in Mr. Watkins' wide network of friends, including some who were part of this university town's tight-knit hacker community.

Friends said Private Manning found the atmosphere here to be everything the Army was not: openly accepting of his geeky side, his liberal political opinions, his relationship with Mr. Watkins and his ambition to do something that would get attention.

Although hacking has come to mean a lot of different things, at its core, those who do it say, is the philosophy that information should be free and accessible to all. And Private Manning had access to some of the most secret information on the planet.

Meanwhile, his military career was anything but stellar. He had been reprimanded twice, including once for assaulting an officer. He wrote in e-mails that he felt <sup>3</sup>regularly ignored<sup>2</sup> by his superiors <sup>3</sup>except when I had something essential, then it was back to @Bring me coffee, then sweep the floor.<sup>1 2</sup>

And it seems the more isolated he felt in the military ( he wore custom dog tags that said 'Humanist,' and friends said he kept a toy fairy wand on his desk in Iraq ( the more he clung to his hacker friends.

According to Wired magazine, Private Manning told Mr. Watkins last January that he had gotten his hands on a secret video showing a military helicopter attack that killed two Reuters photographers and one Iraqi civilian.

In a computer chat with Mr. Lamo, Private Manning said he gave the video to Wikileaks in February. Then, after Wikileaks released it in April, Private Manning hounded Mr. Watkins about whether there had been any public reaction. 'That was one of his major concerns once he'd done this,' Mr. Watkins told Wired. 'Was it really going to make a difference?'

In his computer chats with Mr. Lamo, Private Manning described how he downloaded the video and lip-synched to Lady Gaga as he copied hundreds of thousand of diplomatic cables.

'Hillary Clinton and several thousand diplomats around the world are going to have a heart attack,' he boasted. But even as he professed a perhaps inflated sense of purpose, he called himself 'emotionally fractured' and a 'wreck' and said he was 'self-medicating like crazy.'

And as he faces the possibility of a lifetime in prison, some of Private Manning's remarks now seem somewhat prophetic.

'I wouldn't mind going to prison for the rest of my life, or being executed so much,' he wrote, 'if it wasn't for the possibility of having pictures of me plastered all over the world press.'

Ben Fenwick contributed reporting from Oklahoma City, and Ravi Somaiya from Haverfordwest, Wales. Toby Lyles contributed research.

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**From:** Choike Col Daniel J  
**Sent:** Sunday, January 23, 2011 5:45 PM  
**To:** Flynn LtGen George J  
**Cc:** Oltman Col Robert G; Streng CIV Peter J; Mortenson Col Royal; Kauzlarich Col Mark M  
**Subject:** RE: SITREP  
**Signed By:** daniel.choike@usmc.mil

Sir,  
Update provided below, taken from the watch journal. In addition to this visit, a Robert J. Van Alstyne visited Manning (his cousin), no issues with that visit.

In addition to the info below, Coombs (Manning's Lawyer) called the Brig directly, in order to inform Manning of issues with David House at the gate. That is an unauthorized communication, and CWO Averhart is summarizing the event in an email to forward to the SJA. The vehicle will be released once impound fee is paid and current registration and insurance are verified.

PAO has been notified, I spoke to TV this afternoon and he is ready to address media inquiries. A couple Blog sites have referenced the incident, no main stream media interest, yet.

VR, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

----- Original Message -----

**From:** Foster GySgt Brian W  
**To:** Tomaszek Capt William M  
**Cc:** Foster GySgt Brian W; Chipps Agent Addam D  
**Sent:** Sun Jan 23 16:32:43 2011  
**Subject:** SITREP

Sir,

AT 1300, 23JAN11, MILITARY POLICE (SOARES) OBSERVED A 2004 SILVER MERCEDES 4-DOOR BEARING OREGON REGISTRATION #456-CVX AND NO DOD DECAL TRAVELING EAST ON FULLER RD. ADJACENT BUILDING 3085 (GATE 1) DURING A 100% COMMAND AUTHORIZED IDENTIFICATION CHECK. THE VEHICLE WAS STOPPED AND CONTACT WAS MADE WITH THE OPERATOR HOUSE WHO PROVIDED MILITARY POLICE (SOARES) WITH A MASSACHUSETTS OPERATORS LICENSE AND NO PROOF OF INSURANCE (05JAN2011) AND EXPIRED VEHICLE REGISTRATION (27DEC2010). HOUSE STATED HE WAS GOING TO VISIT MANNING IN THE BRIG AND HAMSHER WAS HIS GUEST WHO WAS GOING TO EAT AT MCDONALDS ON BASE WHILE HOUSE WAS CONDUCTING A VISIT AT THE BRIG. A VCIN CHECK WAS CONDUCTED REVEALING HOUSE TO BE A VALID OPERATOR OUT OF THE STATE MASSACHUSETTS. A VCIN CHECK WAS ALSO CONDUCTED ON THE PASSENGER IDENTIFIED AS HAMSHER

REVEALING HER TO BE THE REGISTERED OWNER OF THE VEHICLE AS WELL AS A VALID OPERATOR OUT OF CALIFORNIA.

AT 1305, 23JAN11, MILITARY POLICE (FOSTER) ARRIVED ON SCENE TO ESCORT HOUSE AND HAMSER TO BLDG#3247, (MCB QUANTICO BRIG) FOR AN AUTHORIZED VISIT TO MANNING. UPON INTERVIEWING HAMSHER, SHE WAS UNABLE TO PROVIDE VALID REGISTRATION AND INSURANCE AND WAS INFORMED THAT GOING TO MCDONALDS ON BASE WOULD BE TRESSPASSING DUE TO NOT HAVING ANY MILITARY OR GOVERNMENT PRIVILEGES.

AT 1315, 23JAN11, HOUSE WAS ISSUED TWO (2) 1805'S 1 1805 (2013954) FOR EXPIRED REGISTRATION, AND ONE 1 1805 (2347328) FOR FAILURE TO CARRY PROOF OF INSURANCE, BOTH WHICH CARRY A MANDATORY COURT DATE OF 11APR11 AT 0900 LOCATED AT 401 COURTHOUSE SQUARE, ALEXANDRIA, VA 22314.

AT 1320, 23JAN11, A VEHICLE INVENTORY WAS CONDUCTED PRIOR TO STORAGE TO IDENTIFY ANY HIGH VALUE ITEMS THAT MAY HAVE BEEN LEFT IN THE VEHICLE. UPON CONDUCTING THE INVENTORY (FOSTER) OBSERVED SEVERAL PAPERS IN THE TRUNK AREA OF THE VEHICLE IN PLAIN SIGHT, WHICH CONTAINED SEVERAL BANK ACCOUNT NUMBERS FROM NEW YORK AND CONNECTICUT SHOWING MONEY TRANSFERS BETWEEN THEM WITH THE NAMES LISTED AS BRIAN SONENSTEIN AND MICHAEL WHITNEY, A BANK OF AMERICA RECIEPT, A VETERINARIAN RECIEPT FROM VCA MACARTHUR ANIMAL CLINIC FOR TREATMENT OF A POODLE WITH THE NAME OF JANE HAMSHER AND AN ADDRESS CONTARY TO THE ONE GIVEN TO MILITARY POLICE DURING THE FIELD INTERVIEW AND ON THE REGISTRATION AND OPERATORS LICENSE. (4664 RESORVIOR RD., WASHINGTON DC, 20007), AS WELL AS A HAND WRITTEN NOTE REFERENCING THE TEA PARTY, CIA, NAFTA, AND JULIAN ASSANGE.

AT 1350, 23JAN11, BOSWELL'S TOWING ARRIVED ON SCENE.

AT 1409, 23JAN11, CID AGENT CHIPPS WAS NOTIFIED IN REFERENCE TO THE DOCUMENTS AND HAND WRITTEN NOTES.

AT 1417, 23JAN11, CID AGENT CHIPPS ARRIVED ON SCENE AND DECLINED INVESTIGATIVE JURISDICTION.

AT 1446, 23JAN11, BOSWELL'S TOWING DEPARTED THE SCENE WHO STORED THE VEHICLE IN THEIR OFF BASE STORAGE FACILITY. HOUSE AND HAMSHER ACCOMPANIED THE TOW TRUCK TO BOSWELL'S OFF BASE FACILITY.

AT 1446, 23JAN11, MILITARY POLICE (FOSTER) DEPARTED THE SCENE WITHOUT FURTHER INCIDENT.

NOTIFICATIONS:

1300/WATCH COMMANDER/GYSGT FOSTER

1301/PATROL SUPERVISOR/CPL SOARES

1315/ASSISTANT OPERATIONS OFFICER/LT ROLAF 1415/USMC CID/AGENT CHIPPS 1415/OPERATIONS OFFICER/CAPT TOMASZEK

Respectfully,  
GySgt Foster

-----Original Message-----

From: Flynn LtGen George J

Sent: Sunday, January 23, 2011 3:59 PM

To: Choike Col Daniel J

Subject: Re: SITREP

Rgr

----- Original Message -----

From: Choike Col Daniel J

To: Flynn LtGen George J

Sent: Sun Jan 23 15:56:13 2011

Subject: Re: SITREP

Yes sir, protocol for all vehicles with no license and insurance entering the base.

VR, DJC

----- Original Message -----  
From: Flynn LtGen George J  
To: Choike Col Daniel J  
Sent: Sun Jan 23 15:53:48 2011  
Subject: Re: SITREP

Wrecker?

----- Original Message -----  
From: Choike Col Daniel J  
To: Flynn LtGen George J  
Sent: Sun Jan 23 15:51:29 2011  
Subject: Re: SITREP

Yes sir, they denied. They rode the wrecker off base. VR, DJC

----- Original Message -----  
From: Flynn LtGen George J  
To: Choike Col Daniel J  
Sent: Sun Jan 23 15:49:33 2011  
Subject: Re: SITREP

Did we offer to call them a cab?

----- Original Message -----  
From: Choike Col Daniel J  
To: Flynn LtGen George J; Mortenson Col Royal; Kauzlarich Col Mark M; Streng CIV Peter J;  
Oltman LtCol Robert G  
Sent: Sun Jan 23 15:42:39 2011  
Subject: Fw: SITREP

Sir, initial report below in on David House (approved guest for Manning) that was to visit today. Driver was a Jane Hamsher, who had expired license and no insurance. Access denied. A more detailed report to follow. PAO notified, media interest expected.

VR, DJC

----- Original Message -----  
From: Oltman Col Robert G  
To: Choike Col Daniel J; Kauzlarich Col Mark M; Streng CIV Peter J; Johnson Col Thomas V;  
Greer LtCol Christopher M; Tomaszek Capt William M; Riley Civ Joseph P; Ponte CW02 Joseph V  
Sent: Sun Jan 23 15:13:54 2011  
Subject: Fw: SITREP

House left with tow truck says he will return next week. There is some issue with some bank documents that were found during the inventory of the vehicle in preparation for towing. The significance of that is unknown at this time. I have queried NCIS and CID and I am awaiting their response.

Also a Robert James Van Alstyne is on his way to visit Manning at brig. He is a designated visitor.

Will have full SITREP in about 1hr.

R/rgo

Sent from my BlackBerry Handheld

----- Original Message -----

From: Tomaszek Capt William M

To: Oltman Col Robert G; Riley Civ Joseph P

Sent: Sun Jan 23 14:07:19 2011

Subject: Re: SITREP

Currently finishing vehicle inventory. Towing company on scene. Asked if he could walk or we could give him a ride to Brig. Told him NO for both. He is either going to walk to 7-11 or sit in gate 1 until taxi shows up. He has been cited for expired registration and no insurance.

==Sent from my Blackberry==

----- Original Message -----

From: Oltman Col Robert G

To: Riley Civ Joseph P; Tomaszek Capt William M

Sent: Sun Jan 23 14:00:27 2011

Subject: SITREP

Will take as soon as you can send. Want to get to PAO and CO before House has an opportunity to put a negative spin on it.

Sent from my BlackBerry Handheld

**From:** Johnson Col Thomas V  
**Sent:** Thursday, March 10, 2011 2:19 PM  
**To:** Miner Col Christopher W; Greer LtCol Christopher M; Oltman Col Robert G  
**Cc:** Flynn LtGen George J; Choike Col Daniel J; Kauzlarich Col Mark M; Mortenson Col Royal; Neill CAPT Mary; Salas Col Bryan F; Streng CIV Peter J; Logsdon CIV Richard S; Rothlein CIV Julius; Jenks CIV Chuck C  
**Subject:** FRONTLINE MANNING STORY (TONIGHT)  
**Signed By:** thomas.v.johnson@usmc.mil  
**Importance:** High

Gentlemen, the original e-mail went to the base paper's mailbox last night. FRONTLINE will have PFC Manning's father on this evening to speak about the conditions at the brig. FRONTLINE's e-mail was sent yesterday and made a request to interview CWO-2 Barnes for tonight's segment. I do not believe the request would have been supportable given the interview policy for brig personnel and the almost unreasonable timeframe.

Recommend that the answer to the request to interview the brig OIC be "no."

-----Original Message-----

**From:** Raney Aronson [[mailto:raney\\_aronson@wgbh.org](mailto:raney_aronson@wgbh.org)]  
**Sent:** Thursday, March 10, 2011 7:29  
**To:** Sentry.Quantico  
**Subject:** Urgent request sent yesterday

Dear Office of Public Affairs,

I emailed the below message to you yesterday and wish to follow up on the status of our request. If you have any questions please don't hesitate to call or email me. I can be reached on my cell at 917-821-4841. I look forward to hearing back from you soon.

Kind regards,  
Raney Aronson

-----  
Raney Aronson  
Senior Producer  
FRONTLINE  
One Guest Street  
Boston, MA 02135  
(617) 300-5383  
[www.frontline.org](http://www.frontline.org)

Dear Office of Public Affairs,

I'm the Series Senior Producer of the current affairs documentary series PBS FRONTLINE. We secured an interview with PFC MANNING'S FATHER, Brian Manning, who is speaking publicly for the first time and discussed the conditions under which he has heard PFC Bradley Manning is being held. I would very much welcome the opportunity to speak with an MCB Quantico official, preferably Chief Warrant Officer Denise Barnes, regarding Brian Manning's response.

**From:** Flynn LtGen George J  
**Sent:** Thursday, April 07, 2011 12:35 PM  
**To:** Miner Col Christopher W  
**Cc:** Hogue SES Robert D; Mortenson Col Royal; Ary MajGen Vaughn A; Ewers Col John R; Choike Col Daniel J; Kauzlarich Col Mark M; Greer LtCol Christopher M; Manning Major Scott D  
**Subject:** RE: Rep Polis Letter

If HQs concurs I am OK with this. Take out the "a" before blankets in fourth para

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: [george.j.flynn@usmc.mil](mailto:george.j.flynn@usmc.mil)  
SIPR: [george.flynn@usmc.smil.mil](mailto:george.flynn@usmc.smil.mil)

-----Original Message-----

**From:** Miner Col Christopher W  
**Sent:** Thursday, April 07, 2011 10:33  
**To:** Flynn LtGen George J  
**Cc:** Hogue SES Robert D; Mortenson Col Royal; Ary MajGen Vaughn A; Ewers Col John R; Choike Col Daniel J; Kauzlarich Col Mark M; Greer LtCol Christopher M; Manning Major Scott D  
**Subject:** FW: Rep Polis Letter

Sir,

For your review and approval, the first attachment is the draft response to Congressman Polis' letter to SECNAV (2nd attachment) inquiring into PFC Manning's treatment. The response for Col Choike's signature is consistent with other responses and has been vetted with CL, SJA2CMC, and MCBQ.

VR, Chris

Col Chris Miner  
Staff Judge Advocate  
Marine Corps Combat Development Command  
Phone: (Commercial) 703-432-8168, (DSN) 378-8168  
Cell: 703-843-7635  
SIPR: [christopher.miner@mccdc.usmc.smil.mil](mailto:christopher.miner@mccdc.usmc.smil.mil)

-----Original Message-----

**From:** Sucher Maj Robb A [<mailto:robb.sucher@usmc.mil>]  
**Sent:** Thursday, April 07, 2011 8:44  
**To:** Kauzlarich Col Mark M  
**Cc:** Mortenson Col Royal; Sherrod CIV Jimmy L; Manning Major Scott D  
**Subject:** Rep Polis Letter



Col Kauzlarich,

As discussed, attached is the letter to Rep Polis in regards to PFC Manning's pre-trial confinement. The Counsel for CMC (Mr. Hogue) recommends that Col Choike sign the letter.

If Col Choike does sign it, I ask for a copy for our records.

Thank you Sir - Maj Robb Sucher

-----  
Major Robb Sucher

Comm: 703.614.2326 DSN (224)

Cell: 703.946.5530

**From:** Flynn LtGen George J  
**Sent:** Thursday, December 23, 2010 11:08 AM  
**To:** Choike Col Daniel J  
**Cc:** Mortenson Col Royal; Johnson Col Thomas V; Kauzlarich Col Mark M; Miner Col Christopher W  
**Subject:** RE: Manning detention (UNCLASSIFIED)

Dan,  
Copy all. S/F GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: [george.j.flynn@usmc.mil](mailto:george.j.flynn@usmc.mil)  
SIPR: [george.flynn@usmc.smil.mil](mailto:george.flynn@usmc.smil.mil)

-----Original Message-----

**From:** Choike Col Daniel J  
**Sent:** Thursday, December 23, 2010 9:00  
**To:** Flynn LtGen George J  
**Cc:** Mortenson Col Royal; Johnson Col Thomas V; Kauzlarich Col Mark M; Miner Col Christopher W  
**Subject:** FW: Manning detention (UNCLASSIFIED)

Sir,  
FYI. We have not had anyone contact us from the UN on Manning. We have received 43 calls from (worldwide) of individuals requesting his release and/or change a change in his custody conditions. The SJA will be informing HQMC (JA) for their SA.

VR, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

**From:** Greer LtCol Christopher M  
**Sent:** Thursday, December 23, 2010 8:45  
**To:** Choike Col Daniel J; Kauzlarich Col Mark M; Oltman Col Robert G  
**Cc:** Broadston Major Christian J; Ebitz Maj Amy R  
**Subject:** FW: Manning detention (UNCLASSIFIED)

Gentlemen,

The attached Army Times/AP Story talks of a UN envoy looking into Manning's detention. I intend to forward this to MajGen Ary, SJA to CMC as I want to ensure it the request from the UN does come through, it will be handled at the Service level.

I wanted to ensure you knew about it and my intention to push this up t higher legal authorities.

v/r

LtCol Greer  
SJA, MCB

U.N. reviews Manning's treatment in brig

The Associated Press

Posted : Wednesday Dec 22, 2010 19:10:53 EST

HAGERSTOWN, Md. - The United Nations' top anti-torture envoy is looking into a complaint that the Army private suspected of giving classified documents to WikiLeaks has been mistreated in custody, a spokesperson said Wednesday.

The office of Manfred Nowak, special rapporteur on torture in Geneva, received a complaint from one of Pfc. Bradley Manning's supporters alleging conditions at the brig aboard Marine Corps Base Quantico, Va., amount to torture, said spokesperson Xabier Celaya. Visitors say he spends at least 23 hours a day alone in a cell.

The U.N. could ask the United States to stop any violations it finds.

Related reading

. U.S. denies mistreating Pfc. Bradley Manning  
The Pentagon has denied mistreating Manning. A Marine Corps spokesman said the military is keeping Manning safe, secure and ready for trial.

Manning was charged in July with leaking classified material, including video posted by Wikileaks of a 2007 Apache helicopter attack in Baghdad that killed a Reuters news photographer and his driver. He is suspected of leaking troves of other material to the government secret-spilling site, which is in the process of posting more than 250,000 secret State Department cables.

Manning has not commented publicly on whether he is the source of the leaks. Wikileaks founder Julian Assange said the organization's "technology is set up so we don't know" the sources of the material it gets.

Nowak is the special investigator on torture, working for the U.N. Human Rights Council. Rapporteurs regularly assess complaints from alleged victims of human rights violations. If a complaint is verified as legitimate, the investigator sends an urgent letter or appeal to the government that it believes has committed the violation.

In an interview with MSNBC on Wednesday, Assange called Manning a political prisoner and said he believes the U.S. is trying to get the soldier to testify against him. He called on human-rights organizations to investigate.

"If we are to believe the allegations, then this man acted for political reasons," Assange said. "He is a political prisoner in the United States. He has not gone to trial. He has been a political prisoner without trial in the United States for some six or seven months.

"His conditions have been getting worse and worse and worse in his cell as they attempt to pressure him into testifying against me. That's a serious problem."

Assange has not been charged in connection with leaked documents but was jailed in England this month after two women in Sweden accused him of sex crimes, including rape. He was freed on bail last week and confined to a supporter's country estate while he fights extradition to Sweden, where authorities want to question him.

Assange said it would be "absolute nonsense" for the U.S. to try to make Manning a witness in a conspiracy case against him. "I never heard of the name Bradley Manning before it appeared in the media," he said.

**From:** Johnson Col Thomas V  
**Sent:** Thursday, March 31, 2011 3:22 PM  
**To:** Miner Col Christopher W; Greer LtCol Christopher M  
**Cc:** Flynn LtGen George J; Choike Col Daniel J; Mortenson Col Royal; Kauzlarich Col Mark M; Neill CAPT Mary; Streng CIV Peter J; Logsdon CIV Richard S; Rothlein CIV Julius; Salas Col Bryan F; Manning, Robert LTC USA JFHQ-NCR/MDW PAO; Jenks CIV Chuck C  
**Subject:** RE: Request stern magazine (Germany)  
**Signed By:** thomas.v.johnson@usmc.mil

Gents, need your chop on the response to the latest Manning query. The reporter's deadline is 3 April. The OSD statement has been used in its entirety with multiple media outlets. Recommend that we not attempt to re-wicker it. The answers were pretty much cut and pasted from the current MDW PAG with the exception of a few modifications for the sake of clarity. Thanks

R/S,

TV

Col. T.V. Johnson  
MCCDC/MCB Quantico PAO  
703.432.0304 Office  
703.928.2575 Mobile

Reporter's contact info:

Martin Knobbe, US Correspondent, Stern Magazine  
535 Fifth Avenue 29th Floor  
New York, NY 10017 USA  
phone (+1) 646.884.7105  
fax (+1) 646.884.7111  
cell (+1) 646.546.8458  
email mknobbe@stern-ny.com  
<http://www.stern.de>

BLANKET OSD APPROVED STATEMENT:

"PFC Bradley Manning is being held in pre-trial confinement at the Marine Corps base Quantico. He is accused of, and charged with, very serious crimes. He is innocent until proven guilty. He is in pre-trial confinement for reasons associated with the criminal justice system, including the very serious nature of the offenses he is alleged to have committed.

The circumstances of PFC Manning's pretrial confinement are regularly reviewed, to ensure compliance with U.S. law and Department of Defense regulations.

**From:** Choike Col Daniel J  
**Sent:** Monday, August 09, 2010 6:19 PM  
**To:** Flynn LtGen George J  
**Cc:** Oltman Col Robert G; Neill CAPT Mary; Mortenson Col Royal; Miner Col Christopher W; Kauzlarich Col Mark M  
**Subject:** FW: Medical Statement of Assurance ICO PFC Manning  
**Attachments:** Medical Brig SOP.docx  
**Signed By:** daniel.choike@usmc.mil

**Importance:** High  
**Sensitivity:** Confidential

Sir,  
Update from this afternoon's Mental Health Brief between the Mental Health Physician, Dr. Hocter and the CO of the NHC, is provided below. The concern of long term suicide watch has been addressed already between mental health physicians and the Brig Staff. Manning's status was changed from Suicide Prevention to Prevention of Injury - thus more clothing articles will be provided, as well as other comfort items recommended will be considered by the Brig OIC.

In talking with Col Oltman this evening, he stated that the OIC's preference was hold off for a couple more days on making the change, and the tentative date to allow additional clothing is Weds and Dr Hocter agreed. That will end up being a week that Manning was in the suicide prevention status/skivvies and blanket only. Manning does get a daily sunshine visit for approx an hour, so he is not completely cloth less, all day long.

Will provide weekly updates or updates of any status changes or concerns raised by the Sec Bn/Brig Staff or Mental Health Physicians.

VR, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

**From:** Neill, Mary E CAPT [<mailto:Mary.Neill@med.navy.mil>]  
**Sent:** Monday, August 09, 2010 17:23  
**To:** Choike Col Daniel J  
**Subject:** Medical Statement of Assurance ICO PFC Manning  
**Importance:** High  
**Sensitivity:** Confidential

Col Choike,

Just finished receiving brief from Behavioral Health and have the following Update at 1615 9 August 2010:

-Detainee being seen 3-4 visits a week by Naval Health Clinic Quantico staff Behavioral Health physician CAPT Hocter, who is also a subspecialist in Forensic Psychiatry.

-Army consultant from Walter Reed Army Medical Center (WRAMC) visited brig on Thursday 5 August to provide additional assessment of detainee and consulted with CAPT Hocter.

-Recommendation from Behavioral Health specialists as of Friday 6 August is to move from SUICIDE PRECAUTION to PREVENTION OF INJURY as a prescribed posture for medical and security to follow; includes allowing certain articles of clothing (no belts, shoelaces, etc), no requirement for constant line of sight observation, moves to eyes on observation every 5 minutes by brig security. Would also recommend allowing books to read to improve mental state (interested in science fiction).

-CAPT Hocter has also partnered with Staff Sergeant Jordan from the brig in developing contingency plan for hospitalization should the need arise. WRAMC has a psychiatric ward to accommodate increased security posture.

Overall affect and mood is improving since arrival, however detainee remains highly emotionally vulnerable to environmental influences and is a significant risk due to complexity of personality issues. Has been prescribed medications for anxiety and depression and medical appointments are being adjusted accordingly in response to detainee status. CAPT Hocter reports solid line of communication between medical and security staff, however has noted that the new CO (or OIC) of the Brig has displayed significant concern and is anxious about high level of visibility and risk. Brig staff may benefit from having their questions and concerns addressed by our medical staff.

Will continue with these updates on weekly basis on Monday afternoons after the weekend visits, unless situation or leadership requests more frequent reporting. Standing by to assist.

V/R,  
MBN

CAPT Mary E. Neill, DC, USN  
Commanding Officer  
Naval Health Clinic Quantico  
Com: (703) 784-1500  
DSN: 278-1500  
e-mail: [mary.neill@med.navy.mil](mailto:mary.neill@med.navy.mil)

**From:** Hocter, William J.  
**Sent:** Tuesday, August 10, 2010 11:03 AM  
**To:** Neill, Mary E CAPT  
**Subject:** RE: Update Brig staff  
**Signed By:** william.hocter@med.navy.mil

Roger. Thanks

-----Original Message-----

**From:** Neill, Mary E CAPT  
**Sent:** Tuesday, August 10, 2010 11:03 AM  
**To:** Hocter, William J.  
**Subject:** Re: Update Brig staff

Got it, I am with the base commander as we speak and will present your recommendations directly to CO. Will get back to you shortly.

----- Original Message -----

**From:** Hocter, William J.  
**To:** Neill, Mary E CAPT  
**Sent:** Tue Aug 10 10:35:02 2010  
**Subject:** RE: Update Brig staff

Skipper-I just spoke to GySGT Blevins about the detainee. They have the necessary paperwork from me and the OIC received it yesterday. Per GySGT, the OIC elected to continue suicide precautions, not from a suicide risk standpoint, but for security reasons. I do wish they would at least let him have his clothes back (I recommended no shoelaces or belts for example). I'm not real happy about this. However, my experience with the Brig has been that they stick to their guns. I'd appreciate your thoughts.

V/R

CAPT Hocter

-----Original Message-----

**From:** Neill, Mary E CAPT  
**Sent:** Monday, August 09, 2010 5:27 PM  
**To:** Hocter, William J.  
**Subject:** Update Brig staff  
**Importance:** High

Doc,

If the recommendation from you and Col Malone is to move from suicide precautions to prevention of injury would you please ensure this has been communicated to the brig staff so they can allow appropriate clothing, etc? Seems like there may be a disconnect and the detainee is still on suicide precautions. Thank you.

V/R,  
CO

CAPT Mary E. Neill, DC, USN  
Commanding Officer  
Naval Health Clinic Quantico



Com: (703) 784-1500

DSN: 278-1500

e-mail: [mary.neill@med.navy.mil](mailto:mary.neill@med.navy.mil)

**From:** Choike Col Daniel J  
**Sent:** Thursday, December 30, 2010 11:55 AM  
**To:** 'Shumake, Shawn COL OSD PR'  
**Cc:** Mortenson Col Royal; Kauzlarich Col Mark M  
**Subject:** RE: PFC Manning and the Quantico Brig  
**Signed By:** daniel.choike@usmc.mil

Thanks Shawn, look forward to the visit!

SF, Dan

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Shumake, Shawn COL OSD PR [mailto:David.Shumake@osd.mil]  
Sent: Thursday, December 30, 2010 11:52  
To: Choike Col Daniel J  
Subject: RE: PFC Manning and the Quantico Brig

Thanks Dan

I know you have this well in hand, but just want to be able to give my bosses a first-hand look to be sure we can manage this up from my level than have it all tumble down hill when they finally read an article or start asking questions.

I know it's all being handled by the book -- just want to say I have confirmed it.

Talk to you guys next week.

v/r

Shawn  
Shawn Shumake  
Colonel, US Army  
Director, Office of Legal Policy  
OUSD(P&R)RSI-LP Pentagon 5A668  
703-697-3387

-----Original Message-----

From: Choike Col Daniel J [mailto:daniel.choike@usmc.mil]  
Sent: Thursday, December 30, 2010 11:18 AM  
To: Wright LtCol Troy V  
Cc: Oltman Col Robert G; Galaviz CW05 Abel; Averhart CW04 James T; Shumake, Shawn COL OSD PR; Durham CIV Jan M; Geoffroy SES Raymond F; Mortenson Col Royal; Kauzlarich Col Mark M

Subject: RE: PFC Manning and the Quantico Brig

LtCol Wright,  
Appreciate the update and additional set of eyes/interest. On Monday, I had my own IG make an unannounced visit to the brig and once I send that info report to the OCG MCCDC, I'll provide a copy as a read ahead for the OSD/Chair, DOD Corrections Council visit next week. Additionally, we are working on an info paper that outlines all the stated concerns from discussion, visits and inspections over the past couple weeks and have prepared a brief for MGen Hummer on 4 Jan. He is the new DCG, MCCDC and was scheduled for an org brief and we are adding this case as a discussion topic.

Standing by to coordinate the scheduled visit.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Wright LtCol Troy V  
Sent: Wednesday, December 29, 2010 8:18  
To: Choike Col Daniel J  
Cc: Oltman Col Robert G; Galaviz CW05 Abel; Averhart CW04 James T; COL Shumake (USA) (david.shumake@osd.mil); Durham CIV Jan M; Geoffrey SES Raymond F  
Subject: FW: PFC Manning and the Quantico Brig

Col Choike,

Sir, per our (PSL) request, COL Shumake (Chair, DoD Corrections Council) has agreed to conduct a courtesy visit at the Quantico Brig. This is not an official inspection. It is primarily an opportunity for him to see the confinement conditions/facilities at Quantico. Since the PFC Manning case continues to draw international attention I believe it wise to have as many people possible, in their official capacity, be witness to the conditions PFC Manning is subject to so they can personally attest that he is being treated in accordance with regulations.

COL Shumake said his schedule is fairly flexible next week. If you are available I'm sure he'd like to conduct the tour with you.

V/R

LtCol Troy V. Wright  
Head, Law Enforcement and Corrections Branch  
Security Division (PS); Plans, Policies & Operations (PP&O)  
Headquarters, U.S. Marine Corps (HQMC)  
Commercial: 703.692.4245  
DSN: 312.222.4245  
Fax: 703.614.6538  
troy.v.wright@usmc.mil

-----Original Message-----

From: Flynn LtGen George J [mailto:george.j.flynn@usmc.mil]  
Sent: Wednesday, December 29, 2010 8:02  
To: Geoffroy SES Raymond F; Ary MajGen Vaughn A  
Cc: Ewers Col John R; Hogue SES Robert D; Dunford Gen Joseph F; Tryon LtGen Richard T; Costantini Col William R; Mortenson Col Royal; Shumaker Col Bradley; Durham CIV Jan M; Salas Col Bryan F; Wright LtCol Troy V; Choike Col Daniel J; Hummer MajGen Steven A; Dunford Gen Joseph F; Oltman Col Robert G  
Subject: RE: PFC Manning and the Quantico Brig

All,  
Just what I was looking for. Thanks. S/F GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: george.j.flynn@usmc.mil  
SIPR:george.flynn@usmc.smil.mil

-----Original Message-----

From: Geoffroy SES Raymond F  
Sent: Wednesday, December 29, 2010 7:57 AM  
To: Ary MajGen Vaughn A  
Cc: Ewers Col John R; Hogue SES Robert D; Dunford Gen Joseph F; Flynn LtGen George J; Tryon LtGen Richard T; Costantini Col William R; Mortenson Col Royal; Shumaker Col Bradley; Durham CIV Jan M; Salas Col Bryan F; Wright LtCol Troy V; Choike Col Daniel J

Subject: RE: PFC Manning and the Quantico Brig

Vaughn -- Concur that we should be ahead of the disinformation campaign. The treatment that PFC Manning is receiving as a maximum confinement detainee is in accordance with the American Correctional Association (ACA) standards and is no different than what a maximum confinement prisoner in the Bureau of Prisons (BOP) would receive.

We are coordinating with PA and developing a FACT SHEET that will do a side-by-side comparison of the standards we are following with the DoD/ACA/BOP protocols. We have been coordinating with OUSD P&R (who has DoD Corrections policy) and recommended that they conduct a visit to Quantico next week and endorse the care/treatment that PFC Manning is receiving. They concur and we will be coordinating this with MCB Quantico. We have also discussed this with the Army and have asked them to come along and verify the treatment/care as well.

I would recommend that Bryan coordinate with OSD PA for any formal publication/announcement of the above.

Regards,

Jeff

Raymond F Geoffroy  
Assistant Deputy Commandant  
Plans, Policies and Operations (Security)  
Headquarters, U.S. Marine Corps  
3000 Marine Corps Pentagon (4A324)  
Washington, DC 20350-3000  
(703) 614-1068 DSN 224- XXXX

-----Original Message-----

From: Ary MajGen Vaughn A [mailto:vaughn.ary@usmc.mil]  
Sent: Monday, December 27, 2010 2:59 PM  
To: Geoffroy SES Raymond F  
Cc: Ewers Col John R; Hogue SES Robert D  
Subject: PFC Manning and the Quantico Brig

Jeff,  
LtGen Flynn called today asking about PFC Manning and the recent press articles speculating about PFC Manning's treatment at the Quantico Brig. Although LtGen Flynn has the utmost trust and confidence in the way the brig is being run and that PFC Manning's treatment meets DoD standards, he would like to be proactive and see if there are a few steps we can take to ensure we hold the moral high ground if the issue starts to take hold in the press. If we do nothing, we would probably be left with a statement that "we are following SOP." He is looking for ideas to show we are aggressively working to ensure Manning is receiving the care and treatment to which he is entitled so that we have a better response.

I believe he has a point and that the story may get additional press interest, especially given the suicide of Capt Webb at Quantico and the other sailor in pretrial confinement at Pendleton last year. MajGen Lehnert was also an advocate of the open kimono approach to our treatment of detainees at GTMO -- an approach that was very successful in the early days of that issue.

I was hoping to get your thoughts about bringing in an outside team from the DoD Executive Agent for the brigs (Army?) or someone to give us a clean bill of health or recommendations on handling Manning while in pretrial confinement. Again, LtGen Flynn is confident we are doing everything right -- he just wants to make sure everyone else agrees from a strategic messaging standpoint. I'm available to discuss.

Happy holidays and talk soon,  
V/r,  
Vaughn

Vaughn Ary  
Major General USMC  
Staff Judge Advocate to the Commandant  
DSN 224-8661 703 614-8661/2737

**From:** Choike Col Daniel J  
**Sent:** Thursday, December 30, 2010 11:42 AM  
**To:** Flynn LtGen George J  
**Cc:** Hummer MajGen Steven A; Mortenson Col Royal; Kauzlarich Col Mark M; Oltman Col Robert G; Johnson Col Thomas V  
**Subject:** RE: PFC Manning and the Quantico Brig  
**Attachments:** MANNING.PDF  
**Signed By:** daniel.choike@usmc.mil

Sir,  
Last week before the holidays, I asked the Deputy IG, Major Zelek to coordinate an unannounced brig visit with my Chief of Staff, and that visit went on Monday of this week and the final report is complete and attached in this email for your SA.

I have also received notice from PP&O - (quote from LtCol Wright PP&O (PSL)) - "per our (PSL) request, COL Shumake (Chair, DoD Corrections Council) has agreed to conduct a courtesy visit at the Quantico Brig. This is not an official inspection. It is primarily an opportunity for him to see the confinement conditions/facilities at Quantico. Since the PFC Manning case continues to draw international attention I believe it wise to have as many people possible, in their official capacity, be witness to the conditions PFC Manning is subject to so they can personally attest that he is being treated in accordance with regulations."

In addition to this report attached, we are preparing a brief and point paper for MGen Hummer's visit, next week on 4 Jan (1330). I also plan on sitting down with Col TV Johnson to use this report for developing a more comprehensive PAG and info campaign, in order to put things in better perspective in the media.

Will provide a copy of the point paper and read ahead brief on Monday AM, both are still under draft.

VR, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Flynn LtGen George J  
Sent: Wednesday, December 29, 2010 8:02  
To: Geoffroy SES Raymond F; Ary MajGen Vaughn A  
Cc: Ewers Col John R; Hogue SES Robert D; Dunford Gen Joseph F; Tryon LtGen Richard T; Costantini Col William R; Mortenson Col Royal; Shumaker Col Bradley; Durham CIV Jan M; Salas Col Bryan F; Wright LtCol Troy V; Choike Col Daniel J; Hummer MajGen Steven A; Dunford Gen Joseph F; Oltman Col Robert G  
Subject: RE: PFC Manning and the Quantico Brig

All,  
Just what I was looking for. Thanks. S/F GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: george.j.flynn@usmc.mil  
SIPR:george.flynn@usmc.smil.mil

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Sent: Wednesday, December 29, 2010 7:57 AM  
To: Ary MajGen Vaughn A  
Cc: Ewers Col John R; Hogue SES Robert D; Dunford Gen Joseph F; Flynn LtGen George J; Tryon LtGen Richard T; Costantini Col William R; Mortenson Col Royal; Shumaker Col Bradley; Durham CIV Jan M; Salas Col Bryan F; Wright LtCol Troy V; Choike Col Daniel J

Subject: RE: PFC Manning and the Quantico Brig

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I would recommend that Bryan coordinate with OSD PA for any formal publication/announcement of the above.

Regards,

Jeff

Raymond F Geoffroy  
Assistant Deputy Commandant  
Plans, Policies and Operations (Security)  
Headquarters, U.S. Marine Corps  
3000 Marine Corps Pentagon (4A324)  
Washington, DC 20350-3000  
(703) 614-1068 DSN 224- XXXX

-----Original Message-----

From: Ary MajGen Vaughn A [mailto:vaughn.ary@usmc.mil]  
Sent: Monday, December 27, 2010 2:59 PM  
To: Geoffroy SES Raymond F  
Cc: Ewers Col John R; Hogue SES Robert D  
Subject: PFC Manning and the Quantico Brig

Jeff,

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I believe he has a point and that the story may get additional press interest, especially given the suicide of Capt Webb at Quantico and the other sailor in pretrial confinement at Pendleton last year. MajGen Lehnert was also an advocate of the open kimono approach to our treatment of detainees at GTMO -- an approach that was very successful in the early days of that issue.

I was hoping to get your thoughts about bringing in an outside team from the DoD Executive Agent for the brigs (Army?) or someone to give us a clean bill of health or recommendations on handling Manning while in pretrial confinement. Again, LtGen Flynn is confident we are doing everything right -- he just wants to make sure everyone else agrees from a strategic messaging standpoint. I'm available to discuss.

Happy holidays and talk soon,  
V/r,  
Vaughn

Vaughn Ary  
Major General USMC  
Staff Judge Advocate to the Commandant  
DSN 224-8661 703 614-8661/2737



**From:** Wright LtCol Troy V  
**Sent:** Tuesday, January 04, 2011 11:26 AM  
**To:** Choike Col Daniel J  
**Cc:** Galaviz CW05 Abel; Oltman Col Robert G; Kauzlarich Col Mark M  
**Subject:** RE: PFC Manning and the Quantico Brig  
**Signed By:** troy.v.wright@usmc.mil

Sir,

I just spoke with Mr. Shelton, from CMC's IG office. Quantico brig should expect a dual visit from Marine Corps and Army IG offices sometime next week. Detailed coordination to follow. CW05 Galaviz and I will also be present for the visit. OSD visit will be tentative, pending outcome from the MCIG/AIG visit.

Also just an FYI, Gen Casey and Gen Amos will probably have a conversation about Manning soon, if they haven't already had it.

PSL is working the MC Public Affairs on a press release, method/venue is being worked right now. Release will be coordinated with all interested parties before we pull the trigger.

V/R  
LtCol Wright

-----Original Message-----

**From:** Choike Col Daniel J [mailto:daniel.choike@usmc.mil]  
**Sent:** Tuesday, January 04, 2011 8:37  
**To:** Wright LtCol Troy V  
**Cc:** Galaviz CW05 Abel; Oltman Col Robert G; Kauzlarich Col Mark M  
**Subject:** RE: PFC Manning and the Quantico Brig

LtCol Wright,  
Here is the copy of the MCBQ Deputy IG report that was sent to CG MCCDC last week. I still believe that a visit is warranted as requested by Mr. Geoffroy and LtGen Flynn; specifically, as highlighted in a previous email attached above. Need your support in encouraging that this visit takes place. If you see the possibility fading, I need to know so I can inform my boss, LtGen Flynn. Standing by to coordinate a date or discuss this further, if canceled.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

**From:** Wright LtCol Troy V  
**Sent:** Tuesday, January 04, 2011 6:30

To: Choike Col Daniel J  
Cc: Galaviz CW05 Abel; Oltman Col Robert G; Averhart CW04 James T  
Subject: Re: PFC Manning and the Quantico Brig

Sir,

I spoke with COL Shumake (OSD) yesterday. He thinks that reviewing the results of the Quantico IG visit last week may preclude the need for an in person visit. Can I tell him when to expect the info report?

V/R  
LtCol Wright

LtCol Troy Wright  
Phone: 703.692.4245  
E-mail: troy.v.wright@usmc.mil

----- Original Message -----

From: Choike Col Daniel J <daniel.choike@usmc.mil>  
To: Wright LtCol Troy V  
Cc: Galaviz CW05 Abel; Oltman Col Robert G; Averhart CW04 James T  
Sent: Mon Jan 03 08:06:35 2011  
Subject: RE: PFC Manning and the Quantico Brig

LtCol Wright,  
Thursday after 1100 until COB. Or, Friday morning until 1200.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Wright LtCol Troy V  
Sent: Monday, January 03, 2011 8:00  
To: Choike Col Daniel J  
Cc: Galaviz CW05 Abel; Oltman Col Robert G; Averhart CW04 James T  
Subject: RE: PFC Manning and the Quantico Brig

Sir,

What day/time works best for you this week?

V/R,  
LtCol Wright

-----Original Message-----

From: Choike Col Daniel J [mailto:daniel.choike@usmc.mil]  
Sent: Thursday, December 30, 2010 11:18

**From:** Choike Col Daniel J  
**Sent:** Monday, January 31, 2011 12:12 PM  
**To:** Geoffroy SES Raymond F  
**Cc:** Durham CIV Jan M; Wright LtCol Troy V; Pagan CIV Radomet R; Galaviz CW05 Abel; Carr Capt Wayne A; Kauzlarich Col Mark M; Oltman Col Robert G; Greer LtCol Christopher M; Neill CAPT Mary; Rothlein CIV Julius; Streng CIV Peter J  
**Subject:** RE: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY  
**Signed By:** daniel.choike@usmc.mil

Sir,  
The POC for Quantico is CO Security Bn, Col Bob Oltman.

We'll make contact with Jan Durham to get our input in the letter that you have described below. A big piece is the medical/mental health support, but there are also other issues that will come up as we progress through the mental health evaluation, Art 32 proceedings, and actual trial. Team Quantico's input will be in 4 areas; the brig - detainee operations, legal, medical, and public affairs. As an aside to all of this, I hope that we will be able to discuss/state concerns on our security challenges and access issues, as a result of our recent demonstration at the front gate. The ante (actions) by those that oppose Manning being confined here has been up'd.

Up to this point, my biggest concern is the lack of information and the amount of lead time that we get for a specific request that affects the way we handle/detain Manning. Additionally, the information requirements from OSD, Sec of the Army, SecNav, HQMC, defense legal team, media...etc. has been like being at the wrong end of the barrel of a shot gun and it has become troublesome determining where the request for info has originated and the purpose or intent of the inquiry. We had one this morning from OSD, through SecNav, through DMCS, through MCCDC, to me via email...when I informed DMCS that CL visited the brig and it would be good to talk to Mr Hogue, and quickly came back with routing the query through his office. I would hope soon that we can surface and capture what we are actually doing down here, and get a proper endorsement from HHQ experts and then get some top cover from HQMC, and the Army too for that matter, on queries that are rooted from defense tactics, negative blogs and main stream media. I request a protocol or a request chain to be established, so we do not speak out of turn or get too emotional, as this case continues to demand our utmost attention and efforts.

Appreciate all your support, sir.

VR, Dan

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----  
From: Geoffroy SES Raymond F  
Sent: Monday, January 31, 2011 10:10

To: Choike Col Daniel J  
Cc: Durham CIV Jan M; Wright LtCol Troy V; Pagan CIV Radomet R; Galaviz CW05 Abel; Carr Capt Wayne A  
Subject: FW: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

Dan -- you may not have all of the below emails. We put together a lot of information regarding the status of the Manning confinement, what we're doing with the OPT, etc. I need two things from you. First a MCB rep on the OPT (Jules is the legal rep) to address your equities. Goal of the OPT is to develop the appropriate future policy and requirements for Quantico to serve as the PCF in the NCR. This would include changes to the DoDDir and possible MOUs with the other Services to define their contributions, responsibilities, etc.

Second, we are drafting a letter for ACMC to send to the VCSA on what we need from the Army to sustain the Manning confinement. See below. Please have your team put together the appropriate remarks for inclusion in the letter. Please work directly with Jan Durham on this since Troy is on leave. Jan will oversee our efforts to get a letter drafted in a couple of days. He will share the draft with you prior to sending forward.

Thanks,

Raymond F Geoffroy  
Assistant Deputy Commandant  
Plans, Policies and Operations (Security)  
Headquarters, U.S. Marine Corps  
3000 Marine Corps Pentagon (4A324)  
Washington, DC 20350-3000  
(703) 614-1068 DSN 224- XXXX

-----Original Message-----

From: Williams LtGen Willie J  
Sent: Monday, January 31, 2011 7:44 AM  
To: Tryon LtGen Richard T; Dunford Gen Joseph F  
Cc: Flynn LtGen George J; Geoffroy SES Raymond F; Hogue SES Robert D; Dalke Col Scott A; Sherrod CIV Jimmy L  
Subject: RE: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

ACMC,

Copy all on letter from you to Army this week.

Vr/s, Chief

LtGen Willie Williams  
Chief of Marine Corps Staff  
(w)(703)614-2828; (m)(703)953-4797

-----Original Message-----

From: Tryon LtGen Richard T  
Sent: Sunday, January 30, 2011 21:49  
To: Dunford Gen Joseph F  
Cc: Williams LtGen Willie J; Flynn LtGen George J; Geoffroy SES Raymond F; Hogue SES Robert D  
Subject: Re: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

ACMC,

Believe leveraging the Army for pre-trial support is very reasonable. Additionally, recommend we broker an MOU with the other Services that might require use of the Quantico Brig in the future and outline inherent service obligations/support requirements for pretrial confinement. The Manning case can provide a reference/baseline for the kind of support which may be required ranging from medical/pysche support to Public Affairs. Will direct OPT to develop a document which can be considered by MCCDC/MCB Quantico. VR/Rick

----- Original Message -----

From: Dunford Gen Joseph F <joseph.dunford@usmc.mil>  
To: Tryon LtGen Richard T  
Cc: Williams LtGen Willie J; Flynn LtGen George J; Geoffroy SES Raymond F; Hogue SES Robert D  
Sent: Sun Jan 30 19:14:21 2011  
Subject: RE: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

Rick--

Many thanks. Roger all below. I also saw George's e-mail. For practical and legal reasons (including those you outline below), I accept that Manning will be with us throughout his pretrial confinement. The focus of our effort should be to prioritize what we need from the Army in the way of support. I'd like to go back to them in writing for the additional medical support etc. that we might need to help mitigate both the risk and cost for Quantico.

Chief--

Let's pull this together and get a letter from me to the Army this week.

SF  
Joe

-----Original Message-----

From: Tryon LtGen Richard T [mailto:richard.tryon@usmc.mil]  
Sent: Sunday, January 30, 2011 10:03  
To: Dunford Gen Joseph F  
Cc: Williams LtGen Willie J; Flynn LtGen George J; Geoffroy SES Raymond F; Hogue SES Robert D  
Subject: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

ACMC - I am on HQMC business Mon-Wed. Mr. Geoffroy will brief the Chief. The unfortunate reality is that since we accepted PFC Manning under existing agreements with the Army in the NCR, attempting to arrange transfer may not be legally acceptable or politically viable, and in fact there may not be an alternative detention option in the NCR.

BLUF - There are no federal or civilian facilities (no existing agreement) in the NCR that Army can currently utilize as an alternative to Quantico. There is also no assurance that any alternative federal/civilian facility could offer the same level of support. Few if any detention facilities would welcome such a high visibility prisoner. All external USMC stakeholders are satisfied with the current quality detention service being provided. Additionally, we could request the Army seek an alternative confinement facility but believe that such a request would rise to very senior levels very quickly and that we would be told to continue to support.

Initial OPT Review - Background/Key Points:

-U.S. Army Private First Class (PFC) Manning is in pretrial confinement at the Quantico pretrial confinement facility (PCF) in connection with a high profile federal case (WIKILEAKS).

-The confinement of PFC Manning has produced numerous strains on the Quantico Brig and supporting activities at MCB Quantico. Many of those strains have been addressed but others will continue as long as PFC Manning is confined at Quantico (e.g., psychiatric support).

-The U.S. Army has agreements with local jails/prisons across the country to house Army detainees/prisoners. Those agreements are primarily adjacent to bases/installations which do not have their own confinement facility. There is not a requirement that these jails/prisons be federal facilities.

-The Army does not currently have any agreements with local jails in the NCR, largely due to the fact that the Quantico pretrial confinement facility (PCF) is a no-cost solution in the area. The following paragraph (4.7) from DoDD 1325.04 "Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities" is germane.

\*\*\*\*\*

4.7. For economy and efficient administration, confinement facilities of any Military Service shall be used for the confinement of prisoners of other Military Services. Pretrial confinement of military prisoners normally shall be on a non-reimbursable basis at a confinement facility nearest to the place of the court-martial proceedings. The Military Services may enter into agreements or Memoranda of Understanding to address costs and terms for post trial confinement. Prisoners confined in military correctional facilities shall be subject to the rules and regulations of the confining facility regardless of the Service affiliation of the prisoner

\*\*\*\*\*

- Manning's defense counsel filed an Art 138 motion (quoted in the last week's Saturday WP). Basically, it is a defense gambit to document any complaints that he can use in the future to gain reduced sentencing.

- Brig operations are being conducted in accordance with regulations and observed by IGMC, CL, PSL among others.

-The Army could enter into an agreement with a local jail - the most likely would be the Rappahannock Regional Jail in Stafford, VA. Until contact is made with Rappahannock, or other jails, it will be unclear how receptive they would be to accepting PFC Manning if at all.

- Better detainee treatment/care at a local jail or federal facility is not guaranteed. What we might be able to do is leverage the Army for TAD support in terms of a psychiatrist which is a least one point of consternation at Quantico.

-The Army will not move PFC Manning out of the Quantico PCF without a request from the Marine Corps.

- Moving Manning from the Quantico Brig could potentially support the perception that the claims of mistreatment/improper treatment were true and thereby aid the defense counsel's case.

-We don't have a time frame for how long the coordination necessary to relocate PFC Manning would take.

-A request by the USMC to relocate PFC Manning may produce some undesirable second and third order effects between the U.S. Army and USMC, particularly WRT confinement issues. What would be our course of action if Manning was a Marine? We would not in all probability send him someplace else if the convening authority is here.

-If the Marine Corps asks the Army to relocate PFC Manning the request should originate from the Quantico PCF, be addressed to PFC Manning's command (Joint Force Headquarters National Capital Region/Military District Washington) and be via HQMC Corrections (PSL/Corrections) and HQDA Corrections.

We have formed a working group (CL, JA, HS, I&L) to address LtGen Flynn's letter on the capacity of Quantico to serve as a long-term (undefined) PCF. The results and subsequent recommendations will frame future detainee confinements for all Service members in the NCR.

SF/Rick

----- Original Message -----

From: Williams LtGen Willie J

To: Dunford Gen Joseph F; Tryon LtGen Richard T

Sent: Sat Jan 29 16:50:24 2011

Subject: Re: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

Yes sir we are. Just prior to us leaving for NOLA, Rick's guys pulled a team together to work through the various issues associated. At last discussion, all was onboard and providing the SMEs desired. Will run a "how-goes-it" check on Monday.

vr/s, Chief

LtGen Willie Williams

Chief of Marine Corps Staff

(w) (703) 614-2828; (c) (703) 953-4797

----- Original Message -----

From: Dunford Gen Joseph F <joseph.dunford@usmc.mil>

To: Tryon LtGen Richard T; Williams LtGen Willie J

Sent: Sat Jan 29 15:35:08 2011

Subject: RE: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

Chief--

Are we moving out on this?

Thanks

Joe

-----Original Message-----

From: Tryon LtGen Richard T [mailto:richard.tryon@usmc.mil]

Sent: Tuesday, January 18, 2011 8:52

To: Williams LtGen Willie J

Cc: Dunford Gen Joseph F

Subject: CG MCCDC LETTER re QUANTICO CONFINEMENT FACILITY

Importance: High

Chief,

Received this (attachment) over the weekend from LtGen Flynn in connection with the Quantico Brig. LtGen Flynn raises a number of questions that cross legal/facilities/personnel/medical lines of responsibility. Long litany of email below outlines some of the issues. Subject to you direction, I'll pull together a working group to sort through the near term and long range issues under PP&O (PS). If you wish for someone else to take the lead, please advise.  
SF/Rick

-----Original Message-----

From: Flynn LtGen George J [mailto:george.j.flynn@usmc.mil]  
Sent: Monday, January 17, 2011 11:59  
To: Geoffroy SES Raymond F  
Cc: Tryon LtGen Richard T  
Subject: RE: IGMCMATTERS

Jeff,

Sent the letter to General Tryon on Friday. We are looking for help because in my views this was not anticipated when we came to this BRAC driven solution of a NCR Temporary Confinement Facility. S/F GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: george.j.flynn@usmc.mil  
SIPR:george.flynn@usmc.smil.mil

-----Original Message-----

From: Geoffroy SES Raymond F  
Sent: Thursday, January 13, 2011 13:13  
To: Flynn LtGen George J  
Cc: Tryon LtGen Richard T  
Subject: Fw: IGMCMATTERS

George-- reached to Vaughn on pressing the Army JAG. Below is the latest -- not encouraging.  
v /r,

Jeff

Raymond F. Geoffroy

Assistant Deputy Commandant

Plans, Policies and Operations (Security) Headquarters, U.S. Marine Corps 3000 Marine Corps

Pentagon (Rm 4A324) Washington, DC 20350-3000

(703) 614-1068

DSN: 224-1068

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Ary MajGen Vaughn A <vaughn.ary@usmc.mil>  
To: Geoffroy SES Raymond F; Shelton CIV Carlyle E; Choike Col Daniel J; Wright LtCol Troy V  
Cc: Lee BGEN Kenneth J; Ouzts Col Michael J; Baggott Col Kevin K; Durham CIV Jan M  
Sent: Thu Jan 13 13:06:10 2011  
Subject: RE: IGMCMATTERS

Jeff,

I talked to the Army JAG yesterday and followed up with the Deputy JAG, MG Tate -- Bottom line, I don't have a good answer on the legal timeline.

Developing the case is anticipated to take some (indeterminate) time. The investigation into process breakdowns is being conducted by a GO and on a fast track, but is still several weeks from completion. They do not expect the criminal case to be put together for some time and with defense preparation etc. he could be in pretrial confinement for a considerable period so we should base our support plan on several months at least.

I'm available to discuss further and go back to the JAG for more. Talk soon, V/r,



Vaughn Ary  
Major General USMC  
Staff Judge Advocate to the Commandant  
DSN 224-8661 703 614-8661/2737

-----Original Message-----

From: Geoffroy SES Raymond F [mailto:raymond.geoffroy@usmc.mil]  
Sent: Wednesday, January 12, 2011 12:57 PM  
To: Shelton CIV Carlyle E; Choike Col Daniel J; Wright LtCol Troy V; Ary MajGen Vaughn A  
Cc: Lee BGEN Kenneth J; Ouzts Col Michael J; Baggott Col Kevin K; Durham CIV Jan M  
Subject: RE: IGMC MATTERS

Thanks Carl; let me weigh-in here as I discussed this with LtGen Flynn yesterday. His biggest concern is the drain on his resources to support the Manning confinement, no specific end state or scheduled legal process moving forward, and the fact that Quantico is not resourced for this type of long term confinement. He is sending me a letter that outlines his concerns. I told him we would take for action to coordinate. A lot has to do with BRAC decisions on Quantico as a pre-trial confinement facility but without the requisite resources to support this type of high profile confinement. We need to address his concerns with OSD, and also the Army to get some relief for now and into the future. Maybe additional medical/support personnel. I think your plan for the assessment is a good one but I would wait until we receive the letter and it could be part of our plan of action.

For MajGen Ary -- can you work with Army JAG on the legal timeline?

Thanks,

Raymond F Geoffroy  
Assistant Deputy Commandant  
Plans, Policies and Operations (Security) Headquarters, U.S. Marine Corps 3000 Marine Corps  
Pentagon (4A324) Washington, DC 20350-3000  
(703) 614-1068 DSN 224- XXXX

-----Original Message-----

From: Shelton CIV Carlyle E  
Sent: Wednesday, January 12, 2011 11:06 AM  
To: Choike Col Daniel J; Wright LtCol Troy V  
Cc: Lee BGEN Kenneth J; Geoffroy SES Raymond F; Ouzts Col Michael J; Baggott Col Kevin K  
Subject: RE: IGMC MATTERS

Dan, Troy

Copy all, ...I understand that LtGen Flynn would like to see Army take a more active/supportive roll with the detention support. Quantico Brig does not have the full-time requisite personnel support (particularly medical) required for long term "special needs" detention, such as PFC Manning's case. OSD or US Army will need to supplement any deficiencies the Quantico Brig is not designed to do without significant disruption.

1. I will revisit the idea of an IG visit with Army IG 2. LtCol Wright's visit should enable us to specifically identify what areas require outside support.
3. The IGMC will send an Assessment Team to Quantico even if Army IG desires not to participate.
4. The IGMC's rapid assessment should capture Quantico Brig needs.
5. The IGMC assessment will be passed to Army IG and Col Shumake (OSD Corrections) for appropriate action.

Our Inspection team is out west, so IGM's first opportunity to visit will be right after the MLK break. That will give us enough time to reengage Army IG and get a sense of what needs to be done for Quantico Brig.

Obviously, Mr. Geoffroy's folks expertise and lead, so we (IGMC) will stay in our "swim lane" and support. Hopefully these action will enable us to address Quantico's needs or the Army may determine it's better to move PFC Manning to an Army facility.

Let me know your thoughts.

Semper fi,

Carl Shelton  
Deputy Inspector General, USMC  
Headquarters, United States Marine Corps  
2 Navy Annex, Room 2233  
Washington, DC 20380-1775  
Phone: 703-614-1533

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-----Original Message-----

From: Choike Col Daniel J [mailto:daniel.choike@usmc.mil]  
Sent: Tuesday, January 11, 2011 16:17  
To: Shelton CIV Carlyle E; Wright LtCol Troy V  
Subject: RE: IGM MATTERS

Carl,

Not sure if this meets CG MCCDC intent. LtCol Wright will be heading this way tomorrow, and in addition to the IG visits, the CG wanted visits from OSD Corrections (Col Shumake) along with the visit from HQMC PSL.

This issue is much more than MCBQ's issue...thus, his desire for Army and HQMC involvement.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Shelton CIV Carlyle E  
Sent: Monday, January 10, 2011 19:25

To: Wright LtCol Troy V; Choike Col Daniel J  
Subject: FW: IGMC MATTERS

Troy, Dan,

Sorry for the slow response, BGEN Lee wanted to close out the issue with the Army IG. US Army is very satisfied with the rapid response and completeness of Quantico's actions, so they have requested to stand down.

Thanks for everything, but we may see this issue again. Dan, ...well done to you and your team.

Semper fi,

Carl Shelton  
Deputy Inspector General  
U.S. Marine Corps

---

From: Amos Gen James F [mailto:james.amos@usmc.mil]  
Sent: Mon 1/10/2011 9:40 AM  
To: Lee BGEN Kenneth J  
Cc: Dunford Gen Joseph F; Ary MajGen Vaughn A; Hogue SES Robert D; Shelton CIV Carlyle E; Flynn LtGen George J  
Subject: RE: IGMC MATTERS

Roger that Cave...a piece popped in today's EB on this implying that he is not being treated humanely.

-----Original Message-----

From: Lee BGEN Kenneth J  
Sent: Monday, January 10, 2011 12:01  
To: Amos Gen James F  
Cc: Dunford Gen Joseph F; Ary MajGen Vaughn A; Hogue SES Robert D; Shelton CIV Carlyle E; Flynn LtGen George J  
Subject: RE: IGMC MATTERS

General,

After discussion with MajGen McCoy, it appears the Army IG is satisfied with the assessment of the quality of life and treatment of PFC Manning. It appears no further investigation or assessment is required at this point. I will have my staff stand down but continue to monitor the issue.

I will ensure the Under SecNav is aware of this update.

RS

Ken

BGEN Kenneth J. Lee  
Inspector General of the Marine Corps  
(703) 614-1533

-----Original Message-----

From: Amos Gen James F [mailto:james.amos@usmc.mil]  
Sent: Sunday, January 09, 2011 11:58  
To: Shelton CIV Carlyle E; Flynn LtGen George J  
Cc: Lee BGEN Kenneth J; Dunford Gen Joseph F; Ary MajGen Vaughn A; Hogue SES Robert D  
Subject: RE: IGMC MATTERS

Thanks Carlyle...got it all. Spoke as well to LtGen Flynn a week ago on this matter. Have not heard anything yet from Gen Casey, but as you imply, we will fully comply as it's in everyone's best interests to do so. I know that Gen Flynn is paying particularly close attention to the suicide matter not wanting to give Manning any opportunity to do such a thing. Keep ACMC and I posted if this evolves into anything more than what you have stated below.

Semper fidelis

jfa

-----Original Message-----

From: Shelton CIV Carlyle E  
Sent: Monday, January 03, 2011 18:16  
To: Amos Gen James F  
Cc: Lee BGEN Kenneth J; Dunford Gen Joseph F; Ary MajGen Vaughn A; Hogue SES Robert D  
Subject: IGMC MATTERS

General,

BGen Lee is currently traveling with the Wounded Warrior assessment team (Landstuhl, Germany, 3-7 Jan 11), but he directed me to update you about an ongoing issue that's beginning to surface.

BLUF: Allegations have surfaced in the Press that PFC Bradley Manning (alleged Wiki-leaker) is being subjected to harsh treatment bordering on torture. PFC Manning was assigned to 2nd Brigade Combat Team, 10th Mountain Div, at Contingency Operating station Hammer, Iraq when he was apprehended (26 May 2010) by Army CID. On 29 July 2010, PFC Manning was transferred MCB Quantico Brig for pretrial confinement until his Art. 32 Hearing (est. Spring 2011).

This morning I received a call from MajGen McCoy, Dep. Inspector General, US who informed me that Army COS, Gen Casey directed Army IG involvement to assess the quality of life for PFC Manning. Apparently, the UN and Amnesty International are taking an interest in PFC Manning's pretrial treatment. MajGen McCoy stated that Gen Casey will probably give you a call in a day or two. BGen Lee wanted to ensure you were aware of what's being done.

PFC Manning is detained in Special Quarters, not Solitary Confinement at the Quantico Brig. Due to PFC Manning's suicide ideations prior to arriving at Quantico and concerns for his safety within the general Brig population, he was placed in special quarters. This means 24/7 observation, separation from general population, special mattress and blankets, frequent visual checks, isolated access to fitness, television, phone and mail.

Action:

1. Col Dan Choike, CO MCB, Quantico has already ordered an IG QOL assessment for PFC Manning which was completed 28 Dec 2010. The assessment addressed each of the accusations in the Press from quality of detention facilities, food, exercise, health, access to mail, phone, etc. The Quantico Brig was in full compliance.

2. Later this week, PP&O (PLS) will send their Corrections and Law Enforcement reps. to review procedures.

3. IGMC and Army IG will follow up with a two person team focusing on overall operations and PFC Manning's QOL. (This will satisfy Gen Casey's request heading your way).

Due to the request from another Service IG, IGMC is obligated to update the Under SecNav. Additionally, we will ensure the appropriate Marine Corps staff is notified and updated. I am standing by for any further questions or information you may need.

Semper fi,

Carl Shelton  
Deputy Inspector General, USMC  
Headquarters, United States Marine Corps  
2 Navy Annex, Room 2233  
Washington, DC 20380-1775  
Phone: 703-614-1533

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**From:** Oltman Col Robert G <robert.g.oltman@usmc.mil>  
**Sent:** Tuesday, January 11, 2011 5:53 AM  
**To:** Choike Col Daniel J <daniel.choike@usmc.mil>  
**Cc:** Kauzlarich Col Mark M <mark.kauzlarich@usmc.mil>  
**Subject:** Re: Army Corrections Command independent review of Pvt Manning custody classifications

---

Agree and WILCO. Will keep you posted  
Sent from my BlackBerry Handheld

----- Original Message -----

**From:** Choike Col Daniel J  
**To:** Oltman Col Robert G  
**Cc:** Kauzlarich Col Mark M  
**Sent:** Mon Jan 10 17:19:17 2011  
**Subject:** RE: Army Corrections Command independent review of Pvt Manning custody classifications

Roger. As long HQMC is here during the visit, then lets proceed. CG has been pushing through his channels that we get Army/OSD visits...we just need to coordinate the conduct of the visit, have HQMC present and before anything is reported up the chain, we get a chance to comment. Arm-chair quarterbacks not welcomed...need experts that understand our service procedures and local SOP under the existing conditions...if they are willing to look long and hard, rather than drive by and criticize.....we should be good. Your involvement every step of the way with HQMC engaged is critical to these visits.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001  
Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900

Email: daniel.choike@usmc.mil

-----Original Message-----

**From:** Oltman Col Robert G  
**Sent:** Monday, January 10, 2011 17:00  
**To:** Choike Col Daniel J  
**Cc:** Kauzlarich Col Mark M  
**Subject:** RE: Army Corrections Command independent review of Pvt Manning custody classifications

Greg Stoebel, He works in Army Corrections Command. I have no problem pushing him off easily done with an email we can request he synch up Col Shumake of OSD. I have heard nothing about the OSD visit.

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710

Email: robert.g.oltman@usmc.mil

-----Original Message-----

From: Choike Col Daniel J

Sent: Monday, January 10, 2011 16:56

To: Oltman Col Robert G; Kauzlarich Col Mark M

Subject: RE: Army Corrections Command independent review of Pvt Manning custody classifications

Bob,

When you say "he" will be here at 1330, are you talking about Col Shumake? I know that CWO5 is scheduled to visit on Weds, but wasn't aware that Col Shumake is coming. Am I correct here, or off base?

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base

3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900

Cell: (703) 675-6661

Fax: (703) 784-5906

DSN: 278-5900

Email: daniel.choike@usmc.mil

-----Original Message-----

From: Oltman Col Robert G

Sent: Monday, January 10, 2011 16:42

To: Choike Col Daniel J; Kauzlarich Col Mark M

Subject: RE: Army Corrections Command independent review of Pvt Manning custody classifications

Dan

Based off discussions with the Chief he is slated to be here wed at 1330. The Chief and I will be with him. I share you concerns, and have discussed with Galaviz. I recommend we hit him up with it again on Wed a.m. when he is here and request he be present at the 1330 meeting as well.

Col R.G. Oltman

Commanding Officer

Security BN, MCB Quantico

Cell # 703 881-2536

BB # 703-928-8710

Email: robert.g.oltman@usmc.mil

-----Original Message-----

From: Choike Col Daniel J

Sent: Monday, January 10, 2011 16:33

To: Oltman Col Robert G; Kauzlarich Col Mark M

Subject: RE: Army Corrections Command independent review of Pvt Manning custody classifications

Bob,

Concur with you concerns and I think we would be better served with OSD evaluating and not just Army Corrections. This may be one in the same, seeing that Col Shumake is an US Army officer, but operates in a different capacity.

If we think through this process of evaluation (I think we need to do it even with some

concerns), then what about HQMC PSL evaluating us first and have them sponsor the Army or OSD Corrections experts to follow suit to compare notes. We need to stress the importance of concurrence in what we are doing, in light of all the attention received. CWO5 Galaviz is still coming by to visit this Weds, we might need to discuss this beforehand.  
SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001  
Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Oltman Col Robert G  
Sent: Monday, January 10, 2011 13:15  
To: Choike Col Daniel J; Kauzlarich Col Mark M  
Subject: FW: Army Corrections Command independent review of Pvt Manning custody classifications  
Gentlemen

FYSA. This is a result of the email exchanges of the past few weeks. I am open to showing our facility to anyone who wants to see it but I do have some reservations about an independent assessment of our detainees. We should expect that if their opinion is different from ours, Manning's defense council will get that information and exploit it in the press.

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: robert.g.oltman@usmc.mil

-----Original Message-----

From: Galaviz CWO5 Abel  
Sent: Monday, January 10, 2011 10:33  
To: Averhart CWO4 James T  
Cc: Oltman Col Robert G; Burris MGySgt Richard L; Pagan CIV Radomet R; Wright LtCol Troy V  
Subject: Army Corrections Command independent review of Pvt Manning custody classifications

Col Oltman, CWO Averhart, as agreed previously we have asked the Army Corrections HQ's if they would conduct a review of your custody classification process and decisions made in Pvt Manning as an outside USMC source. Greg Stroebel has agreed and suggested Wednesday the 12th between 1330 and 1400 as the best opportunity for him to make it down there. Please advise on the supportability of this suggested date and time.

Respectfully Submitted,  
CWO-5 Abel Galaviz  
Head, Corrections Section  
PP&O, PS Division, PSL Branch  
Com (703) 614-1480/2095 dsn 224



BBerry (703) 350-5986

Email: Abel.Galaviz@usmc.mil

SIPR: GalavizA@HQMC.usmc.smil.mil

"Don't tell people how to do things. Tell them what to do and let them surprise you with the results."

**From:** Choike Col Daniel J  
**Sent:** Monday, February 07, 2011 3:33 PM  
**To:** Kauzlarich Col Mark M  
**Subject:** RE: Art 138 - Request for Support  
**Signed By:** daniel.choike@usmc.mil

Already have approval!

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

**From:** Kauzlarich Col Mark M  
**Sent:** Monday, February 07, 2011 15:17  
**To:** Choike Col Daniel J  
**Subject:** RE: Art 138 - Request for Support

CO,

Wholehearted believe that Is CW0 Galiviz is best guy for this investigation. Can you task him without approval of his boss?

Respectfully,  
Chief

Message-----

**From:** Choike Col Daniel J  
**Sent:** Monday, February 07, 2011 14:38  
**To:** Kauzlarich Col Mark M  
**Subject:** FW: Art 138 - Request for Support

FYI. Forgot to include you, sorry.

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

From: Choike Col Daniel J  
Sent: Monday, February 07, 2011 14:38  
To: Durham CIV Jan M  
Cc: Greer LtCol Christopher M; Miner Col Christopher W; Wright LtCol Troy V; Mortenson Col Royal  
Subject: Art 138 - Request for Support

Jan,  
As previously discussed on the phone last week, the attached letter is an advanced copy of the signed letter that will be delivered to CWO 5 Galaviz to assist us in the Art 138 process, specifically addressing claims of abuse in authorities by CW04 Averhart. I hope that we will be able to complete this action soon, so we can put the issue to rest and move on. This inquiry, by a USMC corrections expert, is instrumental in showing/documenting due diligence on my part to look into the allegations fully and to obtain insight from someone with knowledge and expertise that is outside the close proximity of the MCBQ PCF.

Please let me know if you have any questions/concerns.

SF, Dan

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

**From:** Choike Col Daniel J  
**Sent:** Friday, January 21, 2011 8:45 AM  
**To:** Greer LtCol Christopher M  
**Cc:** Kauzlarich Col Mark M  
**Subject:** FW: PFC Manning Ltr  
**Attachments:** PFC Manning Ltr.PDF  
**Signed By:** daniel.choike@usmc.mil

Chris,  
Has Col Miner brought you into the loop on this email? We can discuss at our meeting later today.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

From: Geoffroy SES Raymond F  
Sent: Friday, January 21, 2011 8:27  
To: Choike Col Daniel J  
Subject: FW: PFC Manning Ltr

Dan, as discussed.

v/r,

Raymond F Geoffroy  
Assistant Deputy Commandant  
Plans, Policies and Operations (Security) Headquarters, U.S. Marine Corps 3000 Marine Corps  
Pentagon (4A324) Washington, DC 20350-3000  
(703) 614-1068 DSN 224- XXXX

-----Original Message-----

From: Ary MajGen Vaughn A [<mailto:vaughn.ary@usmc.mil>]  
Sent: Thursday, January 20, 2011 6:42 PM  
To: Flynn LtGen George J; Geoffroy SES Raymond F  
Cc: Ewers Col John R; Miner Col Christopher W  
Subject: FW: PFC Manning Ltr

Gents,

FYI. LtGen Dana Chipman, the Army JAG dropped off a copy of the attached letter a few minutes ago. It is an Article 138 complaint from PFC Manning prepared with the assistance of his defense counsel and dated 19 Jan. PFC Manning complains that he has been kept on

prevention of injury (POI) watch despite the fact that two Brig psychiatrists, Capt Hocter and Col Malone "consistently recommended that he be taken off of POI watch." He also claims that he was placed on suicide watch on 18 Jan over the recommendation of Capt Hocter and defense forensic psychiatrist, Capt Moore. He indicates that he has requested relief from the Brig officer via two written complaints submitted 5 Jan 11 and that the brig commander did not respond (though required to by SECNAVINST). PFC Manning then describes the character of his treatment on suicide watch and requests that he be removed from POI watch and his classification level be changed from maximum to medium custody.

An Article 138, UCMJ, complaint is made when a service member believes he has been wronged by his commanding officer. After seeking redress from the commanding officer, the 138 complainant makes a complaint to the officer exercising general courts-martial convening jurisdiction over the officer who has committed the wrong. Manning has addressed his complaint to Col Dan Choike. The procedural posture is a little murky at the moment because it is not clear whether the Brig officer is a commanding officer as defined by Article 138 UCMJ and paragraph 0303 of the JAGMAN. Thus, it is not clear whether Manning is seeking redress from Col Choike as Manning's commanding officer or as the GCMCA of the Brig officer. In any event, meeting the time limits set forth in Chapter 3 of the JAGMAN, the GCMCA will need to look into the complaint, take appropriate measures if relief is warranted, and "and as soon as possible" send to SecNav a copy of the proceedings on the complaint.

V/r,

Vaughn Ary  
Major General USMC  
Staff Judge Advocate to the Commandant  
DSN 224-8661 703 614-8661/2737

**From:** Greer LtCol Christopher M  
**Sent:** Wednesday, March 02, 2011 5:57 PM  
**To:** Choike Col Daniel J; Oltman Col Robert G; Kauzlarich Col Mark M  
**Subject:** RE: Additional Charges (UNCLASSIFIED)

Gentlemen,

One other piece of information. Based upon comments made by PFC Manning to Brig staff about his ability to kill himself with his underwear (no joke!), CW02 Barnes determined that he would sleep without his underwear as a precaution. He still is fully clothed during the day. At night he has his blankets so he is not exposed and no female staff have access to even see him.

This may become another media issue as Manning may bring it up with his attorneys.

As Dr Seuss would say: I can wear them in a box, I can wear them with a fox, I can wear them in the day, I can wear them so I say, but I can't wear them in the night, my comments gave the staff a fright.

v/r

LtCol Greer  
MCBQ SJA

-----Original Message-----

**From:** Choike Col Daniel J  
**Sent:** Wednesday, March 02, 2011 17:48  
**To:** Greer LtCol Christopher M; Oltman Col Robert G; Kauzlarich Col Mark M; Miner Col Christopher W; Ewers Col John R  
**Subject:** RE: Additional Charges (UNCLASSIFIED)

Thanks Chris. Busy legal day for our guest, wow. My day was good though....I read Dr. Seuss books to 1st and 2nd Graders today at our DODEA schools.

Bob,  
I'm sure our Brig Marines and MPs are on a heightened state of awareness both for our guest's safety and overall safety/security of the base, based upon the news release and additional charges/Art 138 reply.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

**From:** Barnes CWO2 Denise V  
**Sent:** Friday, March 04, 2011 1:39 PM  
**To:** Oltman Col Robert G  
**Cc:** Ebitz Maj Amy R  
**Subject:** RE: Manning early bird article  
**Signed By:** denise.barnes@usmc.mil

Sir, when I made the decision to have detainee Manning's underwear removed after taps with his other gear and still keep him POI, my thought process was that he did not threaten suicide nor did he make a suicidal gesture as per the SECNAV. In addition, we did not feel that the extra measures were necessary during regular day time hours. He never said he would commit suicide nor did he act in a manner that was similar to the incident in January with CWO Averhart where he was placed in SR status. His behavior was not erratic in any way, as matter of fact, he was smiling when he was talking to MSgt Papakie. The SECNAV states that I can remove clothing when deemed necessary. I found it hard to justify assigning him the SR status, it is easier to explain why we left him in POI status than why we placed him in SR status without adhering to the guidance in the SECNAV. I also could not justify not taking action in the event of a possible suicide or an attempt at it after he made that comment to MSgt Papakie. MSgt Papakie, GySgt Blenis and I all felt uncomfortable and almost at the same time said we need to make adjustments. As a side note Sir, I do not always concur with the C&A board or items that are brought to me in other capacities. A good example was prisoner Cantrell, on 26 January, the C&A board voted 2-1 to keep him as interior work detail and I disagreed and put him in protective custody status. My decision was based on the reason we had him in confinement and since I did not know who he testified on that may come to the Brig, I put his safety first. Thanks Sir.

" b. Prisoners who have threatened suicide or have made a suicidal gesture, but are found fit for confinement, may be placed in the category of "suicide risk" for observation. They shall be placed in special quarters under continuous observation. CO/OIC/CPOIC may direct removal of the prisoner's clothing when deemed necessary. Prisoner must be under observation of a supervisor of the same sex."

CWO2 Denise V. Barnes  
Brig Officer, Security Battalion  
3247 Elrod Avenue  
Quantico, VA 22134  
Office: 703-784-6870 DSN: 278  
BB: 540-498-5595 Fax: 703-784-4242  
denise.barnes@usmc.mil

-----Original Message-----

**From:** Oltman Col Robert G  
**Sent:** Friday, March 04, 2011 11:43  
**To:** Barnes CWO2 Denise V  
**Cc:** Ebitz Maj Amy R  
**Subject:** Fw: Manning early bird article

Heading towards office soon. CWO2 Barnes synopsise for me the rational for your action and the authority vested and cited by you in the SECNAV. I will reply to this email.  
Sent from my BlackBerry Handheld

----- Original Message -----

From: Wright LtCol Troy V  
To: Oltman Col Robert G  
Cc: Greer LtCol Christopher M; Galaviz CW05 Abel; Durham CIV Jan M; Pagan CIV Radomet R  
Sent: Fri Mar 04 10:42:48 2011  
Subject: FW: Manning early bird article

Col Oltman:

Sir, I just wanted to pass on to you a professional opinion from PSL that we have some concerns about recent (within the last 2-3 days) decisions made by the commanding officer of the Quantico brig. To take measures that are consistent with suicide watch but not officially place that person in a suicide watch status is inconsistent with the way we are supposed to do business. We understand there may be some concern about taking actions which may result in another Article 138 complaint but if we are doing business they way we are supposed to there is nothing to worry about.

Very respectfully,  
LtCol Wright

LtCol Troy V. Wright  
Head, Law Enforcement and Corrections Branch  
Security Division (PS); Plans, Policies & Operations (PP&O)  
Headquarters, U.S. Marine Corps (HQMC)  
Commercial: 703.692.4245  
DSN: 312.222.4245  
Fax: 703.614.6538  
troy.v.wright@usmc.mil

-----Original Message-----

From: Galaviz CW05 Abel  
Sent: Friday, March 04, 2011 8:45  
To: Pagan CIV Radomet R; Wright LtCol Troy V; Burris MGySgt Richard L; Gillespie CTR Tab D  
Subject: Manning early bird article

Gentlemen, news from today's Early Bird.

Soldier In Leaks Case Was Jailed Naked, Lawyer Says

By Charlie Savage

WASHINGTON - A lawyer for Pfc. Bradley Manning, the Army intelligence analyst accused of leaking secret government files to Wikileaks, has complained that his client was stripped and left naked in his cell for seven hours on Wednesday.

The conditions of Private Manning's confinement at the Marine brig in Quantico, Va., have drawn criticism in recent months from supporters and his lawyer, David E. Coombs.

The soldier's clothing was returned to him Thursday morning, after he was required to stand naked outside his cell during an inspection, Mr. Coombs said in a posting on his Web site.

"This type of degrading treatment is inexcusable and without justification," Mr. Coombs wrote. "It is an embarrassment to our military justice system and should not be tolerated.



Pfc. Manning has been told that the same thing will happen to him again tonight. No other detainee at the brig is forced to endure this type of isolation and humiliation."

First Lt. Brian Villiard, a Marine spokesman, said a brig duty supervisor had ordered Private Manning's clothing taken from him. He said that the step was "not punitive" and that it was in accordance with brig rules, but he said that he was not allowed to say more.

"It would be inappropriate for me to explain it," Lieutenant Villiard said. "I can confirm that it did happen, but I can't explain it to you without violating the detainee's privacy."

Private Manning is being held as a maximum security detainee under a special set of restrictions intended to prevent self-injury, even though supporters say there is no evidence that he is suicidal.

During an appearance on MSNBC earlier on Thursday, Geoffrey Morrell, the Pentagon press secretary, attributed the general conditions of Private Manning's confinement to "the seriousness of the charges he's facing, the potential length of sentence, the national security implications" and to protect him from potential harm.

Also, earlier on Thursday, one of Private Manning's friends, David House, said in a conference call with reporters that he had visited the soldier the previous weekend and that his mental condition was severely deteriorating as a result of being confined to his cell 23 hours a day, with one hour to exercise in an empty room, and largely isolated from human contact.

But Mr. House said that Private Manning did not seem suicidal and contended that he was being pressured to cooperate.

Investigators have been seeking evidence that could implicate Julian Assange, the Wikileaks founder, as a conspirator in the leaking of the military and diplomatic documents and videos.

Mr. House spoke on the conference call with Daniel Ellsberg, who compared the leaking of documents to Wikileaks to his own leaking of the Pentagon Papers during the Vietnam War. On Wednesday, the Army announced 22 additional charges against Private Manning, including "aiding the enemy."

The charge sheet did not explain who "the enemy" was, leading some to speculate that it was a reference to Wikileaks. On Thursday, however, the military said that it instead referred to any hostile forces that could benefit from learning about classified military tactics and procedures.

Respectfully Submitted,  
CWO-5 Abel Galaviz  
Head, Corrections Section  
PP&O, PS Division, PSL Branch  
Com (703) 614-1480/2095 dsn 224  
BBerry (703) 350-5986  
Email: Abel.Galaviz@usmc.mil  
SIPR: GalavizA@HQMCMC.usmc.smil.mil

"Don't tell people how to do things. Tell them what to do and let them surprise you with the results."

**From:** Choike Col Daniel J  
**Sent:** Thursday, March 10, 2011 3:55 PM  
**To:** Oltman Col Robert G  
**Cc:** Ebitz Maj Amy R; Kauzlarich Col Mark M  
**Subject:** RE: Manning Status  
**Signed By:** daniel.choike@usmc.mil

Bob,  
What you have listed below is on target. The instructions given to me were best passed on personally to CW02 Barnes, based upon the last two lengthy meetings with the CG. I don't prefer this approach and would rather go through you, but your TAD trip and absence creates this situation. Much is lost in email missives.

I just got off the phone with CW02 Barnes and let her know about your email and the CG's intent. I know how things go and what you have done in the past in terms of notifying me, I only ask/reconfirm that any decisions to change handling instructions or assignment status is briefed first, before executed. Actions required to save life and/or protect from injury are not included in this for obvious reasons.

You and I supporting/concurring with the Brig OIC's decisions that change handling instructions or assignment status, without passing that info to CG MCCDC for consideration, is no longer acceptable. We/you are not going to get anything in writing from CG MCCDC if he rejects/modifies a recommendation. Memo's for the record can be discussed more between you and I, in an effort to address your concerns about proper documentation/file keeping.

Summary - #1 - yes adhere to the chain of command, and hopefully you understand why that didn't happen right now. #2 Yes - recommendations forwarded to me for discussion and concurrence and then recommendation forwarded to CG, MCCDC before implementation. I will not blindly forward a recommendation to the CG, instead I'll discuss it with you so you will know exactly what I forward. #3 Non-concurrence in writing - we need to discuss and determine the best way to document decision/final actions for the record. CG wants to be able to determine political impact, media interest, legal ramifications, and senior leadership reactions, and can't do so without him being in the loop upfront.

SF, Dan

PS- When do you get back?

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

From: Oltman Col Robert G  
Sent: Thursday, March 10, 2011 14:02  
To: Kauzlarich Col Mark M; Choike Col Daniel J

Cc: Ebitz Maj Amy R  
Subject: Manning Status

Gents

Just got off phone with XO. She has informed me that any changes in Manning Status must be approved by Base CO. I think there is an assumption being made that CW02 Barnes is acting alone and unafraid in her decision process with regard to status and or handling instruction changes with regard to Manning. That is not the case. She and I discuss, same as I did with Averhart, every decision and every change and to date I have concurred with all. Also every change has been discussed with the Boss. Not sure how much more involved we can be. Understand where guidance is coming from and we will do as directed. However I respectfully make the following requests 1) We adhere to the chain of command. Barnes will contact me and I will contact Base CO. 2) Based on conditions etc we, Sec BN will make a recommendation/request to implement the change. Should there be non concurrence and different guidance given we would like to have it in writing in order to annotate in the file. We can set up whatever paperwork is required.

We are on board just want to ensure the files are properly documented.

R/rgo

Sent from my BlackBerry Handheld

**From:** Neill, Mary E CAPT  
**Sent:** Monday, March 14, 2011 2:19 PM  
**To:** Lagen, Erin K. Maj JTF CAPMED; Smith, Bradford L CDR NNMC; Nelson, Elizabeth CAPT NMNCA  
**Cc:** Raimondo, Lisa H. CAPT; Bailey, Steven M LCDR; Bui, Han Q. CDR NHCQ; Malone, Ricky D COL WRAMC-Wash DC; 'Malone, Ricky D COL MIL USA MEDCOM WRAMC'  
**Subject:** FW: Request for Forensic Psychiatrist (UNCLASSIFIED)  
**Attachments:** Request for Assets.docx; REQUEST FOR ASSETS LTR (7MAR11).docx; TASKORD R111210 01 Forensic Psychiatrist Support for Marine Corp Brig Quantico Detainee.pdf  
**Signed By:** mary.neill@med.navy.mil  
**Importance:** High  
**Sensitivity:** Confidential

Good Afternoon ALL,

FYSA. I have just returned from an unscheduled meeting called by Marine Corps Base Quantico Commander in regards to PFC Manning and support to brig operations for this particular detainee. With the recent uptick in media, federal and DoD involvement at the highest levels, and the progression of legal proceedings in this case, the Base Commander is proposing that the requirement for Behavioral Health support be increased to 24/7 availability and serve as assigned staff on call by the brig OIC. Furthermore, he and the brig OIC are not comfortable with the current availability of our provide assigned via TASKORD. It appears that their sense of need and urgency is different from the current medical assessments.

At this meeting I have asked several important questions of legal and the correctional experts on hand:

1. Is this medical support requirement defined by medical experts or correctional facility experts or both; after a lengthy discussion and awareness of current situation and environment it appears that the correctional facility is working hard to drive the increased Behavioral Health provider support.
2. What is the necessity of having a Forensic Psychiatrist vice a different but appropriate level of Behavioral Health provider available. Could this be staffed by a different level provider? Legal says should be able to use appropriate level for the current conditions and not have to lock on with Psychiatrist with Forensic subspecialty.
3. What is it the brig staff are requesting medical experts to do specifically with respect to communications with Brig OIC. I have a handle on after this meeting and will ask that Col Malone take an in brief with the assigned brig staff prior to meeting with PFC Manning and at the end of the visit communicate appropriate findings that will allow brig staff to carry out plan. The brig OIC communicated that the behavioral patterns of PFC Manning during their daily observations and how he behaves during the provider visits are very different and are of great concern for the staff.

I expressed my concerns with defining the requirement for medical support based on brig procedural protocol and it was suggested that the JFH NCR correctional expert (Col Lynch who was present at this meeting) will be coordinating the requirement through NCR to JTF CAPMED (J3) and giving additional guidance based on correctional facility protocol and established SOP at the brig. Again, not exactly sure what this requirement will look like and who should be defining it. This message serves to provide a heads up that these discussions are taking place and expect a push to increase the Behavioral Health staff support in the immediate

future. I remain engaged on a daily (of recent hourly) basis with this case and am working to strike a balance and level of comfort for the Marine Corps leadership as it is their facility. Next steps . . . I am open to ideas.

V/R,  
CAPT Neill

CAPT Mary E. Neill, DC, USN  
Commanding Officer  
Naval Health Clinic Quantico  
Com: (703) 784-1500  
DSN: 278-1500  
e-mail: mary.neill@med.navy.mil

-----Original Message-----

From: Neill, Mary E CAPT  
Sent: Tuesday, March 08, 2011 3:13 PM  
To: Nelson, Elizabeth CAPT NMNCA; Smith, Bradford L CDR NMNC  
Cc: Lagen, Erin K. Maj JTF CAPMED; Bailey, Steven M LCDR; Raimondo, Lisa H. CAPT  
Subject: FW: Request for Forensic Psychiatrist (UNCLASSIFIED)  
Importance: High

Good Afternoon COS,

Forwarding RFA via Navy Medicine NCA to JTF CAPMED J3 as directed by J3. This RFA serves as official request to continue JTF CAPMED sourcing of this validated requirement. Please see e-mail thread below for additional details. I am also including a copy of the current TASKORD for reference.

Thank you for your support and I am standing by should you have any questions. The point of contact at J3 to receive is Maj Erin Lagen.

V/R,  
CAPT Neill

CAPT Mary E. Neill, DC, USN  
Commanding Officer  
Naval Health Clinic Quantico  
Com: (703) 784-1500  
DSN: 278-1500  
e-mail: mary.neill@med.navy.mil

-----Original Message-----

From: Lagen, Erin K. Maj JTF CAPMED  
Sent: Friday, March 04, 2011 10:07 AM  
To: Neill, Mary E CAPT; 'Malone, Ricky D COL MIL USA MEDCOM WRAMC'; 'Ivener, Dominick J MAJ MIL USA MEDCOM AMEDDCS'  
Cc: Duray, Paul H. COL JTF CAPMED  
Subject: RE: Request for Forensic Psychiatrist (UNCLASSIFIED)

Sir/Ma'am,

Thank you all for joining me on the teleconference today. I think we got a lot accomplished for our way ahead and have a few due outs we need to complete. Below is a recap of what we discussed as well as the due outs I need to support this mission. Also attached is a draft RFA. Below please find the email traffic that started this ball rolling.

**From:** Oltman Col Robert G [robert.g.oltman@usmc.mil]  
**Sent:** Tuesday, March 22, 2011 3:56 PM  
**To:** Choike Col Daniel J  
**Cc:** Kaulzarich Col Mark M; Greer LtCol Christopher M; Neill, Mary E CAPT; Ebitz Maj Amy R  
**Subject:** ASD Stockton Visit  
**Signed By:** robert.g.oltman@usmc.mil

**BLUF:** The visit went extremely well. Mr. Stockton was impressed with the professionalism of the staff.

At the outset, Mr. Stockton made it clear that he was not at the PCF to inspect or determine if Manning was being mistreated. Rather, his purpose was to conduct an objective assessment of the capabilities of our PCF and "rack and stack" it against the other 4 facilities (Ft Leavenworth, NAS JAX, Charleston, Norfolk) that he has visited over the last 2 days in order to make a recommendation on where PCF Manning should be held. This evaluation included PA posture/issues, medical support, facilities capabilities and other factors such as ability to conduct a trial near the other facilities.

PA: Col Johnson indicated that the current PA difficulties had largely subsided as there was now a process in place (although unwieldy) to funnel press queries to DoD PA for approval. Col Johnson also commented favorably on the working relationship with MDW PAO and the good working relationship at that level. He stated that we, here at Quantico, recognize the strategic implications of this situation and will continue to support those efforts at the tactical level. Mr. Stockton agreed with the importance of the role of PA and stated that was part of why he was here; so he could not only make a recommendation to his boss but also be able to address issues presented to him with firsthand knowledge.

Medical: CAPT Neil explained the current request for a behavioral specialist to fill the gap at the PCF. Mr. Stockton indicated he could definitely help get that the level of attention needed. She also ran through the current psychiatric support being provided via JTFCAPMED in the person of Col Malone and explained that Malone had indentified a backup provider and that support would continue. We also discussed the apparent incongruity between providing a high level of psychiatric support that may not be medically necessary as Col Malone is of the opinion that there are no psychiatric issues with Manning. We then discussed the difficulty of assessing whether Manning was playing the system and our belief that the behavioral health specialist could help us assess manning's behavior.

Facility: I discussed the PCF history and the designation of the PCF as pretrial only and the limitations that came with that designation. I also explained that MCBQ PCF was the test bed for a pretrial only facility and that we were set up based on a normal pretrial confinee. This long term situation only highlighted the issues that could arise in a high profile, long lasting situation. The behavioral health specialist would help the staff assess Manning and all of the detainees. CWO 2 Barnes then explained the custody and status of Manning, how he was continuously evaluated, some of the behaviors we had seen, etc. Mr. Stockton queried whether the custody classification and status assignment were based on an assessment of the current conditions and if a change of conditions would result in a change of custody. We explained that the PCF staff was constantly assessing the conditions of confinement and manning's behavior but we stressed that the charges were serious, and there were many factors that supported continued maximum custody and also POI.

Misc: Mr. Stockton was briefed on the lack of SCIFs on MCBQ that could be set aside to serve the manning case and we pointed out that Belvoir had been provided secure spaces for the review of classified material.

The walk through went well and Mr. Stockton had no particular questions.

Assessment: The visit highlighted our experience with this issue and the steps we had taken to minimize friction. It would be difficult to predict whether any of the other facilities are better equipped to handle Manning. Certainly a change in facilities would result in some short term friction as other PCF staffs and installation staffs experienced what we have experienced over the last few months. Mr. Stockton said he truly had a better understanding of the situation and would be able to appropriately brief his boss on what he felt should be the way ahead.

Please advise if there are any questions.

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: robert.g.oltman@usmc.mil

**From:** Flynn LtGen George J  
**Sent:** Monday, February 07, 2011 8:01 PM  
**To:** Choike Col Daniel J  
**Cc:** Mortenson Col Royal; Miner Col Christopher W; Greer LtCol Christopher M; Oltman Col Robert G; Kauzlarich Col Mark M  
**Subject:** RE: Status/update - DV visits to MCBQ Brig

Dan,  
BLUF: These type of Manning issues are above the scope of what you and I do here at the tactical level here at Quantico. The earlier we can get others involved and responsible for dealing with these strategic and operational issues the better. In addition, we do not need to have any seams that can be exploited. This is also why Mr. Hogue is coming with the GC tomorrow. S/F GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: [george.j.flynn@usmc.mil](mailto:george.j.flynn@usmc.mil)  
SIPR: [george.flynn@usmc.smil.mil](mailto:george.flynn@usmc.smil.mil)

-----Original Message-----

**From:** Choike Col Daniel J  
**Sent:** Monday, February 07, 2011 19:55  
**To:** Flynn LtGen George J  
**Cc:** Mortenson Col Royal; Miner Col Christopher W; Greer LtCol Christopher M; Oltman Col Robert G; Kauzlarich Col Mark M  
**Subject:** Re: Status/update - DV visits to MCBQ Brig

Roger sir.

VR, DJC

----- Original Message -----

**From:** Flynn LtGen George J  
**To:** Choike Col Daniel J  
**Cc:** Mortenson Col Royal; Miner Col Christopher W; Greer LtCol Christopher M; Oltman Col Robert G; Kauzlarich Col Mark M  
**Sent:** Mon Feb 07 19:50:13 2011  
**Subject:** RE: Status/update - DV visits to MCBQ Brig

Dan,  
I am working all of these with the CMC's counsel. Each of these and any others like them need to be worked at that level. S/F GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416



DSN: 278-2415/2416

NIPR: [george.j.flynn@usmc.mil](mailto:george.j.flynn@usmc.mil)

SIPR: [george.flynn@usmc.smil.mil](mailto:george.flynn@usmc.smil.mil)

-----Original Message-----

From: Choike Col Daniel J

Sent: Monday, February 07, 2011 14:52

To: Flynn LtGen George J

Cc: Mortenson Col Royal; Miner Col Christopher W; Greer LtCol Christopher M; Oltman Col

Robert G; Kauzlarich Col Mark M

Subject: Status/update - DV visits to MCBQ Brig

Sir,

I had my SJA summarize in the attachment the three recently requested brig visits, for your SA.

1. OSD (3) - GC, Press Sec, and SA to SecDef - tomorrow at 1500.

2. UN visit - the UN Special Rapporteur on Torture, Mr. Mendez - DOD General Counsel's approval pending.

3. Lawmaker/Congressional visit - Congressman Kucinich w/press - request routed to the Army for guidance. HQMC (JA/CL/OLA) involved.

VR, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900

Cell: (703) 675-6661

Fax: (703) 784-5906

DSN: 278-5900

Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

**From:** Greer LtCol Christopher M  
**Sent:** Wednesday, February 16, 2011 10:51 AM  
**To:** Choike Col Daniel J  
**Cc:** Kauzlarich Col Mark M  
**Subject:** FW: Manning coordination

Sir,

Wanted you to know that there has been significant staff coordination going on to try and connect the legal players IRT Manning. Not sure yet whether the clearing house at HQMC is going to be Gen Ary or Mr Hogue, or both, but at least there is a recognition that a HHQ clearing house is required. (Does not look like PSL is at all interested in being that clearing house.) The consensus is that there should be continued tactical level staff to staff coordination between MCBQ and MDW. For example, whether Manning is transported in commies is something that we can resolve at this level without input from HHQ.

I am answering several inquiries from Mr Hogue through Col Miner to catch them up on all aspects of the case up to this point. One gratifying point was that apparently Gen Flynn made it clear that MCBQ would not be left "holding the bag".

v/r

LtCol Greer  
MCBQ SJA

-----Original Message-----

**From:** Ewers Col John R  
**Sent:** Tuesday, February 15, 2011 19:19  
**To:** PEDE, CHARLES NICHOLAS; Miner Col Christopher W; BRADLEY, COREY LORREN  
**Cc:** Greer LtCol Christopher M; Lagasca, Jason, Col, DoD OGC  
**Subject:** Manning coordination

Gents -

Tried each of you on the phone today with limited success. (Only got Chris Miner).

LtGen Flynn met with LtGen Chipman today and they discussed Manning. Gen Flynn's concern was that there were seams in the handling of the sundry issues associated with Manning's incarceration in the Quantico brig. Psych evals, 138 complaints, and visit requests from UN Rapporteur (sp), DOD GC and Congressman are examples. Clearly, there isn't much that is routine about Manning's PTC.

General Flynn's basic question was essentially: when one of these non-routine issues arises, whose in-box do I put it in? His proposed solution, which General Chipman supported, was to connect the lawyers.

Chuck, Corey, General Chipman recommended I contact each of you. Jason, we've seen that the DOD GC is going to have some play here. (Chrises, you know why you're on the addree list).

What I want to do is make sure we're all talking. We won't do any poaching (and will avoid any shirking), just want to make sure we have coordinated actions and responses as this process moves on toward trial. (I also know that there are likely to be some issues that require resolution at higher levels, but an info loop on those should help us all.)

I'll try to get each of you tomorrow. Call if you get a minute. Thanks. VR -

John Ewers  
Colonel, U. S. Marine Corps  
Deputy SJA to CMC (40558)  
(703) 693-7713 (Office)  
(571) 435-0934 (Bberry)

From: Greer LtCol Christopher M  
Sent: Friday, January 14, 2011 11:43 AM  
To: Choike Col Daniel J; Oltman Col Robert G; Kauzlarich Col Mark M  
Subject: RE: UN Manning Doc

Sir, Sent the following as a result of the meeting tot the Manning SJA and trial counsel. I think it also summarizes the main issues.

++++  
Gentlemen,

Had a meeting this morning at the Brig with the staff and CAPT Hocter (forensic pych) and CAPT Moore (forensic psych).

Background: Dr Hocter is Manning primary mental health provider. He is deploying next week. As part of the regular mental health care at the Brig, Dr Moore has also been involved with Manning's care. Hocter was approached at one time to be a defense expert but he declined. Dr Moore has also been approached by the Defense as a potential expert. He declined. Manning has allowed access to his medical records to Defense. I found out this morning that the Brig has an ongoing incarceration residency program in agreement with Walter Reed. There are four residents (actually one intern, two residents and one fellow) how come o the Brig every Friday as part of a forensic psychiatry rotation/residency program. These residents treat all of the brig residents as well as Manning as there was no distinction between him and other detainees WRT mental health care. The new rotation of residents is on deck and had their first day today. Based on my discussion with CPT Haberland yesterday, we have told them NOT to be involved in Manning's treatment until the CA authorizes it due to potential clearance issues. Col Malone, from Walter Reed, is going to assume primary care for Manning. He was supposed to be there this morning but was not. He supervises the residency program but our expectation s that he will not treat the Brig population but will only treat Manning.

Issue 1: Request guidance from the CA (or you) regarding guidelines for the residents to be involved in Manning's ongoing mental health care. My understanding is that the residents would conduct/sit in on interview with Manning as part of his care plan. We frankly do not care what the decision is, we just want to know if you wish to restrict the number of people who have access to Manning as a legal issue (perspective witnesses) or for security reasons (clearances, disclosures, etc.) We DID NOT vet past residents in the program nor did we vet the current group regarding clearances. I do know that one of the residents (actually a fellow) will be on Manning's 706 so she stepped out during much of our discussion this morning. Obviously she does not participate in Manning's care.

Issue 2: Dr Moore requested guidance from the CA (or you) on how much information they should disclose to the DC. They have a great deal of experience working with DC's but he wanted to know if there were any areas of concern regarding disclosures. They have a waiver from Manning that protects them for HPPA purposes and ethical purposes but are looking for left and right lateral limits, if they exist.

Issue 3: Dr Hocter expressed his concern about the POI status. He felt that POI was not justified from a medical viewpoint. The Brig OIC explained that the medical component was part of the overall classification assessment and that the process was continuously evaluated. Hocter stated clearly that he did not support the POI status.

Issue 4: Suggest that you request from CA to MCB Cdr that he provide you with all classification and assignment documentation regarding Manning. You could simply state to

build SA for the CA and to prepare for possible litigation, you request the classification documentation and that this request is ongoing. That way we have an official request we can respond to.

Issue 5: This is related to 3 and 4. Stand by for heavy rolls if the CA decides to request the Base commander to review and consider removing Manning's POI status. We are continuously reviewing that status. Unless you want to run our Brig, I think you undercut your own legal position if you actually recommend that the POI status be removed. We are the jailors, either you trust us or you don't. if you don't, then move him. The best thing would be to get this through the 706 process so we can have that additional info to consider in the status review. Again, the Brig makes a team decision on his status, it is based on experience, training, input from the personnel who interact with Manning, and the medical input. You all know that he is not is solitary, that all the detainees have their own cell, that no detainees may PT in their cells, etc. As I told John last night, unless someone wants to come down and accept responsibility for the daily safety and welfare of Manning, it is our job.

I need a fairly quick turn on 1 and 2 as this residency program was new info for me. Again, we DO NOT care who sees Manning. We leave the National Security concerns, clearances, etc, to you.

+++++

LtCol Greer  
SJA, MCB

-----Original Message-----

From: Choike Col Daniel J  
Sent: Friday, January 14, 2011 11:26  
To: Greer LtCol Christopher M; Oltman Col Robert G; Kauzlarich Col Mark M  
Subject: RE: UN Manning Doc

Roger all, thanks. Need an update on the medical transition visit today.

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Greer LtCol Christopher M  
Sent: Friday, January 14, 2011 9:00  
To: Choike Col Daniel J; Oltman Col Robert G; Kauzlarich Col Mark M  
Subject: UN Manning Doc

Sir,

Rather than send up an e-mail string with a lot of lawyers mulling over implications and who is going to say what to whom, I have attached the actual diplomatic note from the UN to the

DoS. It focuses on the "solitary confinement" of Manning. As we all know, he is not being held in solitary confinement. The response is not ours although we will have input into the final product that is submitted to DoS. I will keep you apprised as that product is developed. I have been engaged with Gen Ary and his staff on this as well. The US has faced similar inquiries WRT GITMO and has provided a somewhat "stock" response.

I also had a long talk last night with Manning SJA personnel IRT litigation schedule (still none but "closer" to the 706 kicking off), Col Malone (they concur no interns unless there is some medical necessity and Col Malone has the proper clearance and the SJA has already talked to Col Malone regarding his role as treating physician), the UN inquiry, and their position on Manning's status. I made it clear to them again that we have the day to day responsibility for Manning and if they are unhappy with Manning current status, then someone in the Army needs to take custody of him or relieve us of the responsibility of his welfare. Until there is someone with an Army letterhead actually accepting responsibility for his welfare, then we will consider their input like any other Command, but the decision would rest with the Brig officer and SecBn. I reiterated our concern that if something goes wrong, there is not a single Army person that would be held responsible or found to be accountable as long as he stays with us.

v/r

CHRIS GREER  
LtCol, USMC  
Staff Judge Advocate, MCB Quantico  
3250 Catlin Avenue  
Quantico, VA 22134  
Phone: (703) 784-3678 Fax: (703) 784-3683  
(DSN) 278-3678 (DSN) 278-3683  
Email: christopher.m.greer@usmc.mil

**From:** Greer LtCol Christopher M  
**Sent:** Monday, January 24, 2011 8:25 AM  
**To:** Kauzlarich Col Mark M; Choike Col Daniel J; Oltman Col Robert G  
**Subject:** FW: Wrong version of POI Memo  
**Attachments:** 11-Jan-21-SPCMCA Request to Reduce POI (ManningB).pdf; 11-Jan-21-SPCMCA Response to RCM 305(g) Request (ManningB).pdf

**Importance:** High

Gentlemen,

I wanted to get this to you ASAP.

The SPMCA request to reduce POI requires a response and I will draft one for your review. This is the "forwarding endorsement" on the 5 jan request from DC that Manning be pulled from POI status. The good news is that this is carefully worded and simply states that we carefully review POI and that we continue to review the classification and assignment of Manning.

The SPCMCA response is a response to a separate request filed on 13 Jan by DC that asked that Manning be released from confinement. We did not ever see that request. No action is required from us on this request.

v/r

LtCol Greer  
SJA, MCB

-----Original Message-----

**From:** Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [<mailto:Ashden.Fein@jfhqncr.northcom.mil>]  
**Sent:** Saturday, January 22, 2011 16:33  
**To:** Greer LtCol Christopher M  
**Cc:** [john.haberland@us.army.mil](mailto:john.haberland@us.army.mil)  
**Subject:** RE: Wrong version of POI Memo  
**Importance:** High

Sir,

I apologize for the confusion. We had two version working and I sent the wrong one to John. The attached request is from COL Coffman. Also, attached is COL Coffman's action on the RCM 305(g) request for your records and not for release. Thank you for all your assistance!

v/r  
Ashden

Ashden Fein  
CPT, JA  
Chief, Military Justice  
U.S. Army Military District of Washington (MDW)

COMM: 202-685-4903 (DSN 325)

CELL: 202-450-8230

NIPR: ashden.fein@ifhgncr.northcom.mil

SIPR: ashden.fein@ifhgncr.northcom.smil.mil

-----Original Message-----

From: Haberland, John CPT MIL USA [<mailto:john.haberland@us.army.mil>]

Sent: Friday, January 21, 2011 9:10 PM

To: [christopher.m.green@usmc.mil](mailto:christopher.m.green@usmc.mil)

Cc: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; [ashden.fein@us.army.mil](mailto:ashden.fein@us.army.mil)

Subject: Wrong version of POI Memo

Sir,

I apologize, I sent the wrong version of the POI memo. CPT Fein will follow with the correct version.

Very Respectfully,

CPT John Haberland

Regimental Judge Advocate

703-244-5483

Sent from Blackberry



**From:** Choike Col Daniel J  
**Sent:** Monday, August 09, 2010 3:14 PM  
**To:** Flynn LtGen George J  
**Cc:** Reed SgtMaj Dennis W; Mortenson Col Royal; Miner Col Christopher W; Neill CAPT Mary; Kauzlarich Col Mark M; Oltman Col Robert G  
**Subject:** RE: Behavioral Profile: Struggles Of Soldier Charged In Leak Case  
**Signed By:** daniel.choike@usmc.mil

Sir,  
During our initial OPT, when we were just hours away from receiving PFC Manning, the Base Staff along with Sec Bn Cmdr and the CO of the Naval Health Clinic discussed proper receiving of the detainee, the initial mental health assessments, continuous mental health screening/assessments and proper brig supervision. PFC Manning is on suicide watch, which means he is under constant observation. He is in his cell in skivvies and has only a blanket. Measures are in place now to ensure all personnel (Brig Staff/ Counselors/Mental Health Physicians) who come in contact with PFC Manning, know that if he no longer meets the criteria to be detained, that we would be immediately transferred to the mental health ward in Walter Reed.

The Army Correctional Command actually owns him and has asked for second and third opinions on his mental health and ability to handle the stress of being detained in our brig. I just got off the phone with the CO of the Naval Health Clinic and also just met with Col Oltman, and directed that they provide me weekly updates on Manning, by providing general info on his attitude and mental health. Will forward a copy of the weekly reports to you personally, and it will be separate from the weekly Base Updates.

Of note: Col Oltman states that mail from Code Pink and other organizations that think Manning is a hero, Manning is refusing all mail addressed to him from those types of organizations.

Sir, we all understand the importance of maintaining a close watch and ensuring he is mentally stable to remain detained in our facility for quite some time.

VR, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

**From:** Flynn LtGen George J  
**Sent:** Monday, August 09, 2010 13:42  
**To:** Oltman Col Robert G; Choike Col Daniel J  
**Cc:** Reed SgtMaj Dennis W; Mortenson Col Royal; Miner Col Christopher W  
**Subject:** FW: Behavioral Profile: Struggles Of Soldier Charged In Leak Case  
**Importance:** High

Bob and Dan,

We have had one suicide of a high risk prisoner in the brig. We need to make sure that we have covered down on what we learned from that case. Based on the below, this young man has a great deal on his plate and it would be good if you impressed upon all who come in contact with Pvt. Manning the absolute necessity of keeping a close watch on him. This includes Brig, medical, Chaplain and transport personnel. His life has completely fallen apart which makes him a strong candidate (from my perspective) to take his life.

S/F  
GJF

LtGen. George J. Flynn, USMC  
Deputy Commandant for Combat Development and Integration  
Commanding General, MCCDC  
Comm: (703) 784-2415/2416  
DSN: 278-2415/2416  
NIPR: george.j.flynn@usmc.mil  
SIIPR:george.flynn@usmc.smil.mil

New York Times  
August 9, 2010

#### Early Struggles Of Soldier Changed In Leak Case

By Ginger Thompson

CAMBRIDGE, Mass. ( He spent part of his childhood with his father in the arid plains of central Oklahoma, where classmates made fun of him for being a geek. He spent another part with his mother in a small, remote corner of southwest Wales, where classmates made fun of him for being gay.

Then he joined the Army, where, friends said, his social life was defined by the need to conceal his sexuality under 'don't ask, don't tell' and he wasted brainpower fetching coffee for officers.

But it was around two years ago, when Pfc. Bradley Manning came here to visit a man he had fallen in love with, that he finally seemed to have found a place where he fit in, part of a social circle that included politically motivated computer hackers and his boyfriend, a self-described drag queen.

So when his military career seemed headed nowhere good, Private Manning, 22, turned increasingly to those friends for moral support.

And now some of those friends say they wonder whether his desperation for acceptance ( or delusions of grandeur ( may have led him to disclose the largest trove of government secrets since the Pentagon Papers.

<sup>3</sup>I would always try to make clear to Brad that he had a promising future ahead of him,<sup>2</sup> said Daniel J. Clark, one of those Cambridge friends. <sup>3</sup>But when you're young and you're in his situation, it's hard to tell yourself things are going to get better, especially in Brad's case, because in his past, things didn't always get better.<sup>2</sup>

Blond and barely grown up, Private Manning worked as an intelligence analyst and was based east of Baghdad. He is suspected of disclosing more than 150,000 diplomatic cables, more than 90,000 intelligence reports on the war in Afghanistan and one video of a military helicopter attack ( all of it classified. Most of the information was given to WikiLeaks.org, which

posted the war reports after sharing them with three publications, including The New York Times.

Wikileaks has defended the disclosure, saying transparency is essential to democracy. The Pentagon has denounced the leaks, saying they put American soldiers and their Afghan allies in grave danger.

And while that dispute rages on, with the Pentagon having recently demanded that Wikileaks remove all secret documents from the Internet and hand over any undisclosed materials in its files, Private Manning is being held in solitary confinement at Quantico, Va., under suicide watch.

Private Manning's military-appointed lawyer, Maj. Thomas F. Hurley, declined an interview request.

Much remains unknown about his journey there from Crescent, Okla., the small town where he was born. But interviews with people who know him, along with e-mail exchanges between him and Adrian Lamo, the computer hacker who turned him in, offer some insights into Private Manning's early years, why he joined the Army and how he came to be so troubled, especially in recent months.

<sup>1</sup>I've been isolated so long,<sup>2</sup> Private Manning wrote in May to Mr. Lamo, who turned the chat logs over to the authorities and the news media. <sup>3</sup>But events kept forcing me to figure out ways to survive.<sup>2</sup>

Survival was something Private Manning began learning as a young child in Crescent. His father, Brian Manning, was also a soldier and spent a lot of time away from home, former neighbors recalled. His mother, Susan Manning, struggled to cope with the culture shock of having moved to the United States from her native Wales, the neighbors said.

One neighbor, Jacqueline Radford, recalled that when students at Private Manning's elementary school went on field trips, she sent additional food or money to make sure he had something to eat.

<sup>3</sup>I've always tried to be supportive of him because of his home life,<sup>2</sup> Ms. Radford said. <sup>1</sup>I know it was bad, to where he was left to his own, had to fend for himself.<sup>2</sup>

At school, Bradley Manning was clearly different from most of his peers. He preferred hacking computer games rather than playing them, former neighbors said. And they said he seemed opinionated beyond his years about politics, religion, and even about keeping religion out of politics.

In his Bible Belt hometown that he once mockingly wrote in an e-mail had <sup>3</sup>more pews than people,<sup>2</sup> Private Manning refused to recite the parts of the Pledge of Allegiance that referred to God or do homework assignments that involved the Scriptures. And if a teacher challenged his views, former classmates said, he was quick to push back.

<sup>3</sup>He would get upset, slam books on the desk if people wouldn't listen to him or understand his point of view,<sup>2</sup> said Chera Moore, who attended elementary and junior high school with him. <sup>3</sup>He would get really mad, and the teacher would say, GO.K., Bradley, get out.<sup>1 2</sup>

It was something he would hear a lot throughout his life.

After Private Manning's parents divorced, he moved with his mother to Haverfordwest, Wales, her hometown, and began a new chapter of isolation.

Haverfordwest is several times bigger than Crescent. It is also centuries older, with traditions that run much deeper. A bustling market town, it offered a pace of life that was significantly faster.

Former students at his school there, Tasker Milward, remembered Private Manning being teased for all sort of reasons. His American accent. His love of Dr Pepper. The amount of time he spent huddled before a computer.

And then, students began to suspect he was gay.

Sometimes, former classmates said, he reacted to the teasing by idly boasting about stealing other students' girlfriends. At other times, he openly flirted with boys. Often, with only the slightest provocation, he would launch into fits of rage.

<sup>3</sup>It was probably the worst experience anybody could go through,<sup>2</sup> said Rowan John, a former classmate who was openly gay in high school. <sup>3</sup>Being different like me, or Bradley, in the middle of nowhere is like going back in time to the Dark Ages.<sup>2</sup>

But life ahead did not immediately brighten for Private Manning. After his troubled high school years, his mother sent him back to Oklahoma to live with his father and his older sister.

He was hired and quickly fired from a small software company, where his employer, Kord Campbell, recalled him as clean-cut and highly intelligent with an almost innate sense for programming, as well as the personality of a bull in a china shop. Then his father found out he was gay and kicked him out of the house, friends said. Mr. Clark, the Cambridge friend, said Private Manning told him he lived out of his car briefly while he worked in a series of minimum-wage retail jobs.

He enlisted in the Army in 2007, to try to give his life some direction and to help to pay for college, friends said.

He was granted a security clearance and trained as an intelligence analyst at Fort Huachuca, Ariz., before being assigned to the Second Brigade 10th Mountain Division at Fort Drum, N.Y.

Before being deployed to Iraq, Private Manning met Tyler Watkins, who described himself on his blog as a classical musician, singer and drag queen. A friend said the two had little in common, but Private Manning fell head over heels. Mr. Watkins, who did not respond to interview requests for this article, was a student at Brandeis University. On trips to visit him here in Cambridge, Private Manning got to know many in Mr. Watkins' wide network of friends, including some who were part of this university town's tight-knit hacker community.

Friends said Private Manning found the atmosphere here to be everything the Army was not: openly accepting of his geeky side, his liberal political opinions, his relationship with Mr. Watkins and his ambition to do something that would get attention.

Although hacking has come to mean a lot of different things, at its core, those who do it say, is the philosophy that information should be free and accessible to all. And Private Manning had access to some of the most secret information on the planet.

Meanwhile, his military career was anything but stellar. He had been reprimanded twice, including once for assaulting an officer. He wrote in e-mails that he felt <sup>3</sup>regularly ignored<sup>2</sup> by his superiors <sup>3</sup>except when I had something essential, then it was back to ~~bring~~ me coffee, then sweep the floor.<sup>1 2</sup>

And it seems the more isolated he felt in the military < he wore custom dog tags that said 'Humanist,'<sup>2</sup> and friends said he kept a toy fairy wand on his desk in Iraq < the more he clung to his hacker friends.

According to Wired magazine, Private Manning told Mr. Watkins last January that he had gotten his hands on a secret video showing a military helicopter attack that killed two Reuters photographers and one Iraqi civilian.

In a computer chat with Mr. Lamo, Private Manning said he gave the video to Wikileaks in February. Then, after Wikileaks released it in April, Private Manning hounded Mr. Watkins about whether there had been any public reaction. 'That was one of his major concerns once he'd done this,'<sup>2</sup> Mr. Watkins told Wired. 'Was it really going to make a difference?'<sup>2</sup>

In his computer chats with Mr. Lamo, Private Manning described how he downloaded the video and lip-synched to Lady Gaga as he copied hundreds of thousand of diplomatic cables.

'Hillary Clinton and several thousand diplomats around the world are going to have a heart attack,'<sup>2</sup> he boasted. But even as he professed a perhaps inflated sense of purpose, he called himself 'emotionally fractured'<sup>2</sup> and a 'wreck'<sup>2</sup> and said he was 'self-medicating like crazy.'<sup>2</sup>

And as he faces the possibility of a lifetime in prison, some of Private Manning's remarks now seem somewhat prophetic.

'I wouldn't mind going to prison for the rest of my life, or being executed so much,'<sup>2</sup> he wrote, 'if it wasn't for the possibility of having pictures of me plastered all over the world press.'<sup>2</sup>

Ben Fenwick contributed reporting from Oklahoma City, and Ravi Somaiya from Haverfordwest, Wales. Toby Lyles contributed research.

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**From:** Choike Col Daniel J  
**Sent:** Thursday, March 10, 2011 3:55 PM  
**To:** Oltman Col Robert G  
**Cc:** Ebitz Maj Amy R; Kauzlarich Col Mark M  
**Subject:** RE: Manning Status  
**Signed By:** daniel.choike@usmc.mil

Bob,  
What you have listed below is on target. The instructions given to me were best passed on personally to CWO2 Barnes, based upon the last two lengthy meetings with the CG. I don't prefer this approach and would rather go through you, but your TAD trip and absence creates this situation. Much is lost in email missives.

I just got off the phone with CWO2 Barnes and let her know about your email and the CG's intent. I know how things go and what you have done in the past in terms of notifying me, I only ask/reconfirm that any decisions to change handling instructions or assignment status is briefed first, before executed. Actions required to save life and/or protect from injury are not included in this for obvious reasons.

You and I supporting/concurring with the Brig OIC's decisions that change handling instructions or assignment status, without passing that info to CG MCCDC for consideration, is no longer acceptable. We/you are not going to get anything in writing from CG MCCDC if he rejects/modifies a recommendation. Memo's for the record can be discussed more between you and I, in an effort to address your concerns about proper documentation/file keeping.

Summary - #1 - yes adhere to the chain of command, and hopefully you understand why that didn't happen right now. #2 Yes - recommendations forwarded to me for discussion and concurrence and then recommendation forwarded to CG, MCCDC before implementation. I will not blindly forward a recommendation to the CG, instead I'll discuss it with you so you will know exactly what I forward. #3 Non-concurrence in writing - we need to discuss and determine the best way to document decision/final actions for the record. CG wants to be able to determine political impact, media interest, legal ramifications, and senior leadership reactions, and can't do so without him being in the loop upfront.

SF, Dan

PS- When do you get back?

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

From: Oltman Col Robert G  
Sent: Thursday, March 10, 2011 14:02  
To: Kauzlarich Col Mark M; Choike Col Daniel J

Cc: Ebitz Maj Amy R  
Subject: Manning Status

Gents

Just got off phone with XO. She has informed me that any changes in Manning Status must be approved by Base CO. I think there is an assumption being made that CW02 Barnes is acting alone and unafraid in her decision process with regard to status and or handling instruction changes with regard to Manning. That is not the case. She and I discuss, same as I did with Averhart, every decision and every change and to date I have concurred with all. Also every change has been discussed with the Boss. Not sure how much more involved we can be. Understand where guidance is coming from and we will do as directed. However I respectfully make the following requests 1) We adhere to the chain of command. Barnes will contact me and I will contact Base CO. 2) Based on conditions etc we, Sec BN will make a recommendation/request to implement the change. Should there be non concurrence and different guidance given we would like to have it in writing in order to annotate in the file. We can set up whatever paperwork is required.

We are on board just want to ensure the files are properly documented.

R/rgo

Sent from my BlackBerry Handheld

**From:** Kauzlarich Col Mark M  
**Sent:** Thursday, March 03, 2011 11:58 AM  
**To:** Raimondo CAPT Lisa  
**Cc:** Neill CAPT Mary; Ebitz Maj Amy R; Oltman Col Robert G; Greer LtCol Christopher M  
**Subject:** RE: Notification

Thanks Lisa,

Unfortunately, CO and I are not comfortable with the plan.

I'm not a psychiatrist; however, if one of my very vulnerable patients, who has been on suicide watch before, was going to be informed of 22 new charges and one of them holds the death penalty, maybe-just-maybe I'd be standing by to assist that patient.

Sorry for venting my frustration with sarcasm.

Chief

-----Original Message-----

**From:** Raimondo, Lisa H. CAPT [mailto:Lisa.Raimondo@med.navy.mil]  
**Sent:** Thursday, March 03, 2011 11:51  
**To:** Kauzlarich Col Mark M; Oltman Col Robert G; Greer LtCol Christopher M  
**Cc:** Neill CAPT Mary; Ebitz Maj Amy R  
**Subject:** RE: Notification

All -

CAPT Neill just spoke to COL Malone. COL Malone indicated that he spoke with WO Barnes at the Brig and all is good to go with his planned visit for tomorrow. Brig officer is comfortable with the plan.

VR, Lisa

Lisa H. Raimondo  
CAPT NC USN  
Executive Officer  
Naval Health Clinic Quantico  
3259 Catlin Ave  
Quantico, VA 22134-6050  
Comm: 703-784-1500  
DSN: 278-1500

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-----Original Message-----

**From:** Neill, Mary E CAPT



Sent: Thursday, March 03, 2011 11:24 AM  
To: 'Kauzlarich Col Mark M'; Oltman Col Robert G; Greer LtCol Christopher M  
Cc: Raimondo, Lisa H. CAPT  
Subject: RE: Notification

Agree. I have alerted my back up Behavioral Health coverage to go over and provide support in the interim. CAPT Moore can attend to the other individual.

V/R,  
MBN

-----Original Message-----

From: Kauzlarich Col Mark M [mailto:mark.kauzlarich@usmc.mil]  
Sent: Thursday, March 03, 2011 11:09 AM  
To: Neill, Mary E CAPT; Oltman Col Robert G; Greer LtCol Christopher M  
Cc: Raimondo, Lisa H. CAPT  
Subject: RE: Notification

Mary Beth,

Need an answer soonest.

I still should engage Col Malone's Commander. What if PFC Manning would have attempted something after notification of new changes? Behavioral health support from primary provider should have been on standby, not track me down if you need me.

Chief

-----Original Message-----

From: Neill, Mary E CAPT [mailto:Mary.Neill@med.navy.mil]  
Sent: Thursday, March 03, 2011 11:00  
To: Kauzlarich Col Mark M; Oltman Col Robert G; Greer LtCol Christopher M  
Cc: Raimondo CAPT Lisa  
Subject: RE: Notification

I just called JTF CAP J3 directly who have the con on the Behavioral Health coverage. They understand that I have deemed this urgent and require immediate plan of action for coverage. If Col Malone is indisposed then I have made it clear that they will provide an alternate provider. I received no advance notice that he was not available and not responding to on call status. Plan B is to have one of my providers come over until assistance is provided from JTF CAP MED. I am waiting to hear from JTF who is calling Walter Reed for assistance.

V/R,  
MBN

-----Original Message-----

From: Kauzlarich Col Mark M [mailto:mark.kauzlarich@usmc.mil]  
Sent: Thursday, March 03, 2011 10:52 AM  
To: Oltman Col Robert G; Neill, Mary E CAPT; Greer LtCol Christopher M  
Subject: RE: Notification

Gentlemen/lady,

Who does Col Malone work for?

I'm getting ready to go VFR direct to his Commander.

Chief

-----Original Message-----

From: Choike Col Daniel J  
Sent: Thursday, March 03, 2011 10:45  
To: Kauzlarich Col Mark M  
Cc: Greer LtCol Christopher M  
Subject: FW: Notification

Chief, FYI.

Need to get a full-court press from our medical professionals to assist us in getting Col Malone down here ASAP!.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Oltman Col Robert G  
Sent: Thursday, March 03, 2011 10:42  
To: Choike Col Daniel J  
Subject: RE: Notification

He is doing better. A little surly this morning but seem to have gotten back in his box. No joy with Col Malone. He is scheduled for his normal visit tomorrow and but we want it today. We are talking with Capt Raimondo to get this resolved. Also have a SR detainee and another POI that we want evaluated. Capt Moore will deal with those two but my issue is the lack of responsiveness...actually just gaining contact with Malone and his team. Barnes tells me she tries to contact and just gets answering machines. Clinic XO has all this information. I am sure she will get us what we need.

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: robert.g.oltman@usmc.mil

-----Original Message-----

From: Choike Col Daniel J  
Sent: Thursday, March 03, 2011 10:14  
To: Oltman Col Robert G; Neill CAPT Mary; Greer LtCol Christopher M;

Kauzlarich Col Mark M  
Subject: RE: Notification

How is he doing? When will the Dr arrive, or has he arrived?

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Oltman Col Robert G  
Sent: Wednesday, March 02, 2011 20:29  
To: Choike Col Daniel J; Neill CAPT Mary; Greer LtCol Christopher M;  
Kauzlarich Col Mark M  
Subject: Re: Notification

Most recent update from Brig. Manning pacing a mumbling in his cell. All behavior being documented.

S/F  
Sent from my BlackBerry Handheld

----- Original Message -----

From: Choike Col Daniel J  
To: Oltman Col Robert G; Neill CAPT Mary; Greer LtCol Christopher M;  
Kauzlarich Col Mark M  
Sent: Wed Mar 02 20:25:37 2011  
Subject: Re: Notification

Thanks. DJC

----- Original Message -----

From: Oltman Col Robert G  
To: Choike Col Daniel J; Neill CAPT Mary; Greer LtCol Christopher M;  
Kauzlarich Col Mark M  
Sent: Wed Mar 02 20:16:45 2011  
Subject: Notification

Manning chain of command notified and understands situation. Company notified the BN who will press the Army medical to get engaged. Fully expect Dr. Malone to see Det Manning tomorrow.

Advise if there are questions.  
Sent from my BlackBerry Handheld

**From:** Oltman Col Robert G <robert.g.oltman@usmc.mil>  
**Sent:** Thursday, February 17, 2011 8:31 AM  
**To:** Barnes CWO2 Denise V <denise.barnes@usmc.mil>  
**Subject:** Re: 138

---

These are minor correct?  
Sent from my BlackBerry Handheld

----- Original Message -----  
From: Barnes CWO2 Denise V  
To: Oltman Col Robert G  
Sent: Thu Feb 17 08:28:17 2011  
Subject: RE: 138

Good Morning Sir, no there were no problems. The only thing he addressed was the fact that once the MO said that Manning was no longer a SR, he should have been returned to appropriate quarters. That meant putting him back on POI or whatever status he was on before since appropriate quarters was SQ anyway. In regards to the two times he was SR, there was a lapse in the adjustment of his status because his status was not changed until the C&A board reviewed him. What is supposed to happen is that once the MO says he is not SR then the DBS should do a special move only changing the status from SR back to POI and then the C&A board would review him the next day and not necessarily wait until Friday when he is normally reviewed. Hope your appt goes well Sir.

CWO2 Denise V. Barnes  
Brig Officer, Security Battalion  
3247 Elrod Avenue  
Quantico, VA 22134  
Office: 703-784-6870 DSN: 278  
BB: 540-498-5595 Fax: 703-784-4242  
denise.barnes@usmc.mil

-----Original Message-----  
From: Oltman Col Robert G  
Sent: Thursday, February 17, 2011 6:50  
To: Barnes CWO2 Denise V  
Subject: 138

CWO2 Barnes

Any issues with the CWO5 Galaviz yesterday and the 138?

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: robert.g.oltman@usmc.mil

APPELLATE EXHIBIT 419d  
PAGE REFERENCED \_\_\_\_\_  
PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

**From:** Oltman Col Robert G <robert.g.oltman@usmc.mil>  
**Sent:** Wednesday, March 2, 2011 6:08 PM  
**To:** Greer LtCol Christopher M <christopher.m.greer@usmc.mil>; Choike Col Daniel J <daniel.choike@usmc.mil>; Kauzlarich Col Mark M <mark.kauzlarich@usmc.mil>  
**Subject:** Re: Additional Charges (UNCLASSIFIED)

---

We will inform his parent command. I will advise when complete.

Sam I am.

Sent from my BlackBerry Handheld

----- Original Message -----

From: Greer LtCol Christopher M

To: Choike Col Daniel J; Oltman Col Robert G; Kauzlarich Col Mark M

Sent: Wed Mar 02 17:57:29 2011

Subject: RE: Additional Charges (UNCLASSIFIED)

Gentlemen,

One other piece of information. Based upon comments made by PFC Manning to Brig staff about his ability to kill himself with his underwear (no joke!), CWO2 Barnes determined that he would sleep without his underwear as a precaution. He still is fully clothed during the day. At night he has his blankets so he is not exposed and no female staff have access to even see him.

This may become another media issue as Manning may bring it up with his attorneys.

As Dr Seuss would say: I can wear them in a box, I can wear them with a fox, I can wear them in the day, I can wear them so I say, but I can't wear them in the night, my comments gave the staff a fright.

v/r

LtCol Greer

MCBQ SJA

----- Original Message -----

From: Choike Col Daniel J

Sent: Wednesday, March 02, 2011 17:48

To: Greer LtCol Christopher M; Oltman Col Robert G; Kauzlarich Col Mark M; Miner Col Christopher W; Ewers Col John R

Subject: RE: Additional Charges (UNCLASSIFIED)

Thanks Chris. Busy legal day for our guest, wow. My day was good though....I read Dr. Seuss books to 1st and 2nd Graders today at our DODEA schools.

Bob,

I'm sure our Brig Marines and MPs are on a heightened state of awareness both for our guest's safety and overall safety/security of the base, based upon the news release and additional charges/Art 138 reply.

SF, DJC

Col Daniel J. Choike, USMC

Commander, Marine Corps Base

3250 Catlin Avenue

Quantico, VA 22134-5001

Office: (703) 784-5900

Cell: (703) 675-6661

Fax: (703) 784-5906

DSN: 278-5900

APPELLATE EXHIBIT 419e  
PAGE REFERENCED: \_\_\_\_\_  
PAGE \_\_\_\_ OF \_\_\_\_ PAGES

Email: daniel.choike@usmc.mil

-----Original Message-----

From: Greer LtCol Christopher M

Sent: Wednesday, March 02, 2011 17:38

To: Oltman Col Robert G; Kauzlarich Col Mark M; Choike Col Daniel J; Miner Col Christopher W; Ewers Col John R

Subject: FW: Additional Charges (UNCLASSIFIED)

Importance: High

Gentlemen,

This is still close hold until tomorrow. Additional charges are no real surprise with the heavy hitter being the Article 104 charge of "aiding the enemy". That carries the death penalty although the prosecution has informed the defense that it does not intend to seek the death penalty.

The new charges were provided to PFC Manning and he met with his military defense counsel after he received it.

The Art 138 response was provided to PFC Manning today as well. He has 10 working days to respond so we should see something by 16 March.

v/r

LtCol Greer

MCBQ SJA

-----Original Message-----

From: Haberland, John CPT MIL USA [mailto:john.haberland@us.army.mil]

Sent: Wednesday, March 02, 2011 16:28

To: Greer LtCol Christopher M

Subject: FW: Additional Charges (UNCLASSIFIED)

Importance: High

Classification: UNCLASSIFIED

Caveats: FOUO

Sir,

Attached is a copy of the new charge sheet with the Additional Charges. This charge will not be public knowledge for a few hours so please do you send it around yet.

Please let me know if you have any questions.

Very Respectfully,

CPT John B. Haberland

Regimental Judge Advocate

3rd U.S. Infantry Regiment (The Old Guard)

Office: (703) 696-3150

BB: (703) 244-5483

Building 242, Fort Myer, Virginia 22211

NIPR: john.haberland@conus.army.mil

SIPR: john.haberland@us.army.smil.mil (Please notify via NIPR)

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA

[mailto:Ashden.Fein@jfhqncr.northcom.mil]

Sent: Wednesday, March 02, 2011 3:59 PM

To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA

Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA

Subject: Additional Charges (US v. BM)

Importance: High

All. Attached is a copy of the charge sheet, preferred yesterday against PFC Bradley Manning

and served on him today. This charge sheet and background information are being released to the press through a U.S. Army Military District of Washington (MDW) press release in the next few hours. Please do not publicly release this information. Also attached is the point of contact for the MDW public affairs office, if your organization would like to coordinate future messages.

v/r

Ashden

Ashden Fein

CPT, JA

Chief, Military Justice

U.S. Army Military District of Washington (MDW)

COMM: 202-685-4903 (DSN 325)

CELL: 202-450-8230

NIPR: ashden.fein@jfhqncr.northcom.mil <mailto:ashden.fein@jfhqncr.northcom.mil>

SIPR: ashden.fein@jfhqncr.northcom.smil.mil

<mailto:ashden.fein@jfhqncr.northcom.smil.mil>

Classification: UNCLASSIFIED

Caveats: FOUO

From: Oltman Col Robert G  
Sent: Friday, March 04, 2011 4:30 PM  
To: Choike Col Daniel J; Neill CAPT Mary  
Cc: Kauzlarich Col Mark M  
Subject: RE: Manning status  
Signed By: robert.g.oltman@usmc.mil

Brig OIC is going to leave his status as is and his handling instructions will remain the same for the immediate future; meaning he will only have his blankets from Taps to Reveille. She and I discussed at length and she will continue to review his actions and review the recommendations of the C&A Board and based off that will make a change to his handling instructions. We have applied no timeline to that process.

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: [robert.g.oltman@usmc.mil](mailto:robert.g.oltman@usmc.mil)

-----Original Message-----

From: Choike Col Daniel J  
Sent: Friday, March 04, 2011 16:22  
To: Neill CAPT Mary; Oltman Col Robert G  
Cc: Kauzlarich Col Mark M  
Subject: RE: Manning status

Bob,  
Need an update on brig actions planned for Manning based on the below.

SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001

Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: [daniel.choike@usmc.mil](mailto:daniel.choike@usmc.mil)

-----Original Message-----

From: Neill, Mary E CAPT [<mailto:Mary.Neill@med.navy.mil>]  
Sent: Friday, March 04, 2011 16:20  
To: Choike Col Daniel J; Kauzlarich Col Mark M  
Subject: Manning status

For close hold need to know SA:  
I have a report from my Brig Medical Officer who debriefed with Col Malone this afternoon after visit.



PFC Manning is doing well, appeared in good spirits and has been taken off a medication he has been on in response to the improved status.

V/R,

MBN

CAPT Mary E. Neill, DC, USN

Commanding Officer

Naval Health Clinic Quantico

Com: (703) 784-1500

DSN: 278-1500

e-mail: mary.neill@med.navy.mil

From: Barnes CWO2 Denise V  
Sent: Friday, March 04, 2011 1:39 PM  
To: Oltman Col Robert G  
Cc: Ebitz Maj Amy R  
Subject: RE: Manning early bird article  
Signed By: denise.barnes@usmc.mil

Sir, when I made the decision to have detainee Manning's underwear removed after taps with his other gear and still keep him POI, my thought process was that he did not threaten suicide nor did he make a suicidal gesture as per the SECNAV. In addition, we did not feel that the extra measures were necessary during regular day time hours. He never said he would commit suicide nor did he act in a manner that was similar to the incident in January with CWO Averhart where he was placed in SR status. His behavior was not erratic in any way, as matter of fact, he was smiling when he was talking to MSgt Papakie. The SECNAV states that I can remove clothing when deemed necessary. I found it hard to justify assigning him the SR status, it is easier to explain why we left him in POI status than why we placed him in SR status without adhering to the guidance in the SECNAV. I also could not justify not taking action in the event of a possible suicide or an attempt at it after he made that comment to MSgt Papakie. MSgt Papakie, GySgt Blenis and I all felt uncomfortable and almost at the same time said we need to make adjustments. As a side note Sir, I do not always concur with the C&A board or items that are brought to me in other capacities. A good example was prisoner Cantrell, on 26 January, the C&A board voted 2-1 to keep him as interior work detail and I disagreed and put him in protective custody status. My decision was based on the reason we had him in confinement and since I did not know who he testified on that may come to the Brig, I put his safety first. Thanks Sir.

" b. Prisoners who have threatened suicide or have made a suicidal gesture, but are found fit for confinement, may be placed in the category of "suicide risk" for observation. They shall be placed in special quarters under continuous observation. CO/OIC/CPOIC may direct removal of the prisoner's clothing when deemed necessary. Prisoner must be under observation of a supervisor of the same sex."

CWO2 Denise V. Barnes  
Brig Officer, Security Battalion  
3247 Elrod Avenue  
Quantico, VA 22134  
Office: 703-784-6870 DSN: 278  
BB: 540-498-5595 Fax: 703-784-4242  
denise.barnes@usmc.mil

-----Original Message-----

From: Oltman Col Robert G  
Sent: Friday, March 04, 2011 11:43  
To: Barnes CWO2 Denise V  
Cc: Ebitz Maj Amy R  
Subject: Fw: Manning early bird article

Heading towards office soon. CWO2 Barnes synopsise for me the rational for your action and the authority vested and cited by you in the SECNAV. I will reply to this email.  
Sent from my BlackBerry Handheld

----- Original Message -----

From: Wright LtCol Troy V  
To: Oltman Col Robert G  
Cc: Greer LtCol Christopher M; Galaviz CW05 Abel; Durham CIV Jan M; Pagan CIV Radomet R  
Sent: Fri Mar 04 10:42:48 2011  
Subject: FW: Manning early bird article

Col Oltman:

Sir, I just wanted to pass on to you a professional opinion from PSL that we have some concerns about recent (within the last 2-3 days) decisions made by the commanding officer of the Quantico brig. To take measures that are consistent with suicide watch but not officially place that person in a suicide watch status is inconsistent with the way we are supposed to do business. We understand there may be some concern about taking actions which may result in another Article 138 complaint but if we are doing business they way we are supposed to there is nothing to worry about.

Very respectfully,  
LtCol Wright

LtCol Troy V. Wright  
Head, Law Enforcement and Corrections Branch  
Security Division (PS); Plans, Policies & Operations (PP&O)  
Headquarters, U.S. Marine Corps (HQMC)  
Commercial: 703.692.4245  
DSN: 312.222.4245  
Fax: 703.614.6538  
troy.v.wright@usmc.mil

-----Original Message-----

From: Galaviz CW05 Abel  
Sent: Friday, March 04, 2011 8:45  
To: Pagan CIV Radomet R; Wright LtCol Troy V; Burris MGySgt Richard L; Gillespie CTR Tab D  
Subject: Manning early bird article

Gentlemen, news from today's Early Bird.

Soldier In Leaks Case Was Jailed Naked, Lawyer Says

By Charlie Savage

WASHINGTON - A lawyer for Pfc. Bradley Manning, the Army intelligence analyst accused of leaking secret government files to Wikileaks, has complained that his client was stripped and left naked in his cell for seven hours on Wednesday.

The conditions of Private Manning's confinement at the Marine brig in Quantico, Va., have drawn criticism in recent months from supporters and his lawyer, David E. Coombs.

The soldier's clothing was returned to him Thursday morning, after he was required to stand naked outside his cell during an inspection, Mr. Coombs said in a posting on his Web site.

"This type of degrading treatment is inexcusable and without justification," Mr. Coombs wrote. "It is an embarrassment to our military justice system and should not be tolerated.

Pfc. Manning has been told that the same thing will happen to him again tonight. No other detainee at the brig is forced to endure this type of isolation and humiliation."

First Lt. Brian Villiard, a Marine spokesman, said a brig duty supervisor had ordered Private Manning's clothing taken from him. He said that the step was "not punitive" and that it was in accordance with brig rules, but he said that he was not allowed to say more.

"It would be inappropriate for me to explain it," Lieutenant Villiard said. "I can confirm that it did happen, but I can't explain it to you without violating the detainee's privacy."

Private Manning is being held as a maximum security detainee under a special set of restrictions intended to prevent self-injury, even though supporters say there is no evidence that he is suicidal.

During an appearance on MSNBC earlier on Thursday, Geoffrey Morrell, the Pentagon press secretary, attributed the general conditions of Private Manning's confinement to "the seriousness of the charges he's facing, the potential length of sentence, the national security implications" and to protect him from potential harm.

Also, earlier on Thursday, one of Private Manning's friends, David House, said in a conference call with reporters that he had visited the soldier the previous weekend and that his mental condition was severely deteriorating as a result of being confined to his cell 23 hours a day, with one hour to exercise in an empty room, and largely isolated from human contact.

But Mr. House said that Private Manning did not seem suicidal and contended that he was being pressured to cooperate.

Investigators have been seeking evidence that could implicate Julian Assange, the WikiLeaks founder, as a conspirator in the leaking of the military and diplomatic documents and videos.

Mr. House spoke on the conference call with Daniel Ellsberg, who compared the leaking of documents to WikiLeaks to his own leaking of the Pentagon Papers during the Vietnam War. On Wednesday, the Army announced 22 additional charges against Private Manning, including "aiding the enemy."

The charge sheet did not explain who "the enemy" was, leading some to speculate that it was a reference to WikiLeaks. On Thursday, however, the military said that it instead referred to any hostile forces that could benefit from learning about classified military tactics and procedures.

Respectfully Submitted,  
CWO-5 Abel Galaviz  
Head, Corrections Section  
PP&O, PS Division, PSL Branch  
Com (703) 614-1480/2095 dsn 224  
BBerry (703) 350-5986  
Email: Abel.Galaviz@usmc.mil  
SIPR: GalavizA@HQC.usmc.smil.mil

"Don't tell people how to do things. Tell them what to do and let them surprise you with the results."

**From:** Oltman Col Robert G  
**Sent:** Wednesday, March 16, 2011 3:46 PM  
**To:** Johnson Col Thomas V; Miner Col Christopher W; Greer LtCol Christopher M  
**Cc:** Flynn LtGen George J; Choike Col Daniel J; Kauzlarich Col Mark M; Mortenson Col Royal; Neill CAPT Mary; Salas Col Bryan F; Streng CIV Peter J; Logsdon CIV Richard S; Rothlein CIV Julius; Jenks CIV Chuck C; Villiard 1st Lt Brian S  
**Subject:** RE: HUFFINGTON POST QUERY  
**Signed By:** robert.g.oltman@usmc.mil

answer A4: should be "good order and discipline" vice "disciple."  
Answer A7, I would keep the first sentence and delete the second; it adds no value to the question and throws CW0 Barnes out there again.

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: robert.g.oltman@usmc.mil

-----Original Message-----

**From:** Johnson Col Thomas V  
**Sent:** Wednesday, March 16, 2011 15:22  
**To:** Miner Col Christopher W; Greer LtCol Christopher M  
**Cc:** Flynn LtGen George J; Choike Col Daniel J; Kauzlarich Col Mark M; Mortenson Col Royal; Oltman Col Robert G; Neill CAPT Mary; Salas Col Bryan F; Streng CIV Peter J; Logsdon CIV Richard S; Rothlein CIV Julius; Jenks CIV Chuck C; Villiard 1st Lt Brian S  
**Subject:** HUFFINGTON POST QUERY

Another query/response for your review/edits and routing up the chain for approval.

Q1. Have psychiatrists and psychologists been used improperly to assist in what has been perceived as the 'torture' of Bradley Manning? If so, what is the justification?

A1. Medical professionals in the military are dedicated to the health and well-being of service members. Pfc. Manning is being treated fairly, with dignity and respect.

Q2. It was mentioned that the Quantico jail could not comment on the rationale behind the forced nudity of Bradley Manning, other than for his own safety. Further comment could not be made based on 'privacy issues.' How could that occur without a valid HIPAA form filled out by Manning himself or his next of kin? Even military doctors are under HIPAA and to violate HIPAA would trigger a possible 20 year jail term for the doctors. Was a HIPAA form filled out? Was Manning alert and able to do authorize this? Were his next of kin notified?

A2. HIPAA laws protect service members from unauthorized disclosure of personal health information. The Privacy Act of 1974 protect service members from unauthorized disclosure of personal records or the contents within those records. As a matter of policy, we will not disclose information protected under either law.

Q3. Multiple medical groups have condemned the use of solitary confinement and sensory deprivation as torture which can often lead to severe psychiatric damage. How do the doctors treating and assessing Manning defend themselves?

A3. Pfc. Manning is not in solitary confinement. He is housed in a single-person cell, as is every other detainee in the Quantico brig. He is granted the same rights and privileges allowed for any maximum custody detainee.

Q4. You have claimed that Manning is not in solitary as other soldiers speak to him every 5 minutes to ask if he is ok. The understanding is that Manning is in a cell where he cannot see others, and he is not permitted to speak to others. He does not receive any news, books, company, etc., and is only allowed outside this cage for one hour of the 24. How is this not solitary confinement?

A4. Due to the layout of the brig, no detainee has direct view of another detainee. Detainees are allowed to converse with other detainees, provided the conversation does not become disruptive or interfere with good order and discipline.

All detainees, to include Pfc. Manning, are allowed to order books, periodicals and newspapers, and may send/receive mail. Each detainee receives one hour of television time per day and may watch any of the available channels. All maximum custody detainees are restricted to their cells unless receiving visitors, visiting with legal representatives, making phone calls or showering. None of the time spent for the above mentioned activities counts against the additional one hour of recreation time allowed for detainees.

Q5. How is this treatment any better than what Manning could have received under the previous Bush administration? How do you or your superiors plan to defend yourselves against charges of crimes against humanity? Charges of torture? Charges of unconstitutional abuse such as indefinite detention?

A5. We will not discuss politics. Pfc. Manning is being treated fairly, with dignity and respect. All conduct at the brig is professional and respectful, and within the rules and regulations set forth by Secretary of the Navy Instruction 1640.9, Navy Corrections Manual.

Q6. US Congressman Kucinich has requested a visit with Manning. He has been given 'the run around,' and as such has been issued a de facto denial. How do you justify denying a US Congressman legal access to Manning?

A6. Please address this question with the Office of the Secretary of Defense.

Q7. The orders surrounding Manning's treatment come from what source? Chairman of the Joint Chiefs? The President? Department of Justice? Who?

A7. Detainee confinement, including Pfc. Manning's, is guided by SECNAVINST 1640.9. The brig commander has the responsibility to ensure the safety and security of all detainees under her charge, and to ensure they make it to trial.

Q8. Does DOD consider itself to be above the civilian law? Please explain.

A8. Please address this question with the Office of the Secretary of Defense.

Taken at 1345, 16 March, by 1stLt Brian Villiard from:

Jeanine Molloff, Freelance Journalist, contributing to Huffington Post

Office: 314-536-0110, E-mail: jeaninemolloff@yahoo.com

Deadline: Friday

R/S,

Col. T.V. Johnson  
MCCDC/MCB Quantico PAO  
703.432.0304 Office  
703.928.2575 Mobile

**From:** Oltman Col Robert G <robert.g.oltman@usmc.mil>  
**Sent:** Saturday, March 5, 2011 9:29 AM  
**To:** Kauzlarich Col Mark M <mark.kauzlarich@usmc.mil>; Choike Col Daniel J <daniel.choike@usmc.mil>; Johnson Col Thomas V <thomas.v.johnson@usmc.mil>; Greer LtCol Christopher M <christopher.m.greer@usmc.mil>  
**Subject:** Re: Manning Article

---

Great summary chief concur 100%. Did not give my view as I am biased.

Sent from my BlackBerry Handheld

----- Original Message -----

From: Kauzlarich Col Mark M

To: Oltman Col Robert G; Choike Col Daniel J; Johnson Col Thomas V; Greer LtCol Christopher M

Sent: Sat Mar 05 09:24:01 2011

Subject: Re: Manning Article

CO,

Read article first thing this morning. Villiard sounded knowledgeable and objective. Public can draw own conclusions from, "I can tell you that this was event driven."

Top cover from psych would have defused allegations that measures are punitive.

Respectfully,

Chief

----- Original Message -----

From: Oltman Col Robert G

To: Choike Col Daniel J; Johnson Col Thomas V; Greer LtCol Christopher M; Kauzlarich Col Mark M

Sent: Sat Mar 05 07:42:36 2011

Subject: Manning Article

All

AP article in Freelance Star this morning.

Sent from my BlackBerry Handheld

APPELLATE EXHIBIT 4196  
PAGE REFERENCED: \_\_\_\_\_  
PAGE \_\_\_\_ OF \_\_\_\_ PAGES

**From:** Wright LtCol Troy V <troy.v.wright@usmc.mil>  
**Sent:** Wednesday, January 12, 2011 12:08 AM  
**To:** Oltman Col Robert G <robert.g.oltman@organization.com>; Burris MGySgt Richard L <richard.burris@organization.com>  
**Cc:** Averhart CWO4 James T <james.averhart@organization.com>; Kauzlarich Col Mark M <mark.kauzlarich@organization.com>  
**Subject:** RE: Tomorrow' s Visit

---

Sir,

One of the complaints in the press that's getting a lot of play is PFC Manning's MAX custody status. I thought that just like a competent doctor who has confidence in his own work would recommend that a patient get a second opinion before a major surgery/treatment that having Army Corrections take a second look at the custody classification of Manning would verify that Quantico brig got it right.

I will wave Mr. Stroebel off first thing in the morning if you don't want this any more.

V/R  
LtCol Wright

**From:** Oltman Col Robert G [mailto:robert.g.oltman@usmc.mil]  
**Sent:** Tue 1/11/2011 4:12 PM  
**To:** Wright LtCol Troy V; Burris MGySgt Richard L  
**Cc:** Averhart CWO4 James T; Kauzlarich Col Mark M  
**Subject:** Tomorrow' s Visit

Gents

Spoke with Col Choike today about Mr. Stroebel's visit tomorrow. Given the recent email from Carlyle Shelton stating that both the USA IG and USMC IG are satisfied with the package they have been provided, with regard to Manning, we no longer feel that a visit/independent assessment from Mr. Stroebel will provide any value. If he is looking at our facility as part of an assessment/validation of our capability as a PCF then we will gladly accept his visit. If he is coming to only look at actions with respect to Manning then we request that the visit be canceled. Please advise if there are any questions.

R/

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: robert.g.oltman@usmc.mil

APPELLATE EXHIBIT 49j  
PAGE REFERENCED: \_\_\_\_\_  
PAGE \_\_\_\_ OF \_\_\_\_ PAGES



**From:** Oltman Col Robert G <robert.g.oltman@usmc.mil>  
**Sent:** Tuesday, January 11, 2011 5:53 AM  
**To:** Choike Col Daniel J <daniel.choike@usmc.mil>  
**Cc:** Kauzlarich Col Mark M <mark.kauzlarich@usmc.mil>  
**Subject:** Re: Army Corrections Command independent review of Pvt Manning custody classifications

---

Agree and WILCO. Will keep you posted

Sent from my BlackBerry Handheld

----- Original Message -----

**From:** Choike Col Daniel J

**To:** Oltman Col Robert G

**Cc:** Kauzlarich Col Mark M

**Sent:** Mon Jan 10 17:19:17 2011

**Subject:** RE: Army Corrections Command independent review of Pvt Manning custody classifications

Roger. As long HQMC is here during the visit, then lets proceed. CG has been pushing through his channels that we get Army/OSD visits...we just need to coordinate the conduct of the visit, have HQMC present and before anything is reported up the chain, we get a chance to comment. Arm-chair quarterbacks not welcomed...need experts that understand our service procedures and local SOP under the existing conditions...if they are willing to look long and hard, rather than drive by and criticize.....we should be good. Your involvement every step of the way with HQMC engaged is critical to these visits.

SF, DJC

Col Daniel J. Choike, USMC

Commander, Marine Corps Base

3250 Catlin Avenue

Quantico, VA 22134-5001

Office: (703) 784-5900

Cell: (703) 675-6661

Fax: (703) 784-5906

DSN: 278-5900

Email: daniel.choike@usmc.mil

-----Original Message-----

**From:** Oltman Col Robert G

**Sent:** Monday, January 10, 2011 17:00

**To:** Choike Col Daniel J

**Cc:** Kauzlarich Col Mark M

**Subject:** RE: Army Corrections Command independent review of Pvt Manning custody classifications

Greg Stoebe, He works in Army Corrections Command. I have no problem pushing him off easily done with an email we can request he synch up Col Shumake of OSD. I have heard nothing about the OSD visit.

Col R.G. Oltman

Commanding Officer

Security BN, MCB Quantico

Cell # 703 881-2536

BB # 703-928-8710

APPELLATE EXHIBIT 419k  
PAGE REFERENCED:  
PAGE \_\_\_\_ OF \_\_\_\_ PAGES

Email: robert.g.oltman@usmc.mil

-----Original Message-----

From: Choike Col Daniel J

Sent: Monday, January 10, 2011 16:56

To: Oltman Col Robert G; Kauzlarich Col Mark M

Subject: RE: Army Corrections Command independent review of Pvt Manning custody classifications

Bob,

When you say "he" will be here at 1330, are you talking about Col Shumake? I know that CWO5 is scheduled to visit on Weds, but wasn't aware that Col Shumake is coming. Am I correct here, or off base?

SF, DJC

Col Daniel J. Choike, USMC

Commander, Marine Corps Base

3250 Catlin Avenue

Quantico, VA 22134-5001

Office: (703) 784-5900

Cell: (703) 675-6661

Fax: (703) 784-5906

DSN: 278-5900

Email: daniel.choike@usmc.mil

-----Original Message-----

From: Oltman Col Robert G

Sent: Monday, January 10, 2011 16:42

To: Choike Col Daniel J; Kauzlarich Col Mark M

Subject: RE: Army Corrections Command independent review of Pvt Manning custody classifications

Dan

Based off discussions with the Chief he is slated to be here wed at 1330. The Chief and I will be with him. I share your concerns, and have discussed with Galaviz. I recommend we hit him up with it again on Wed a.m. when he is here and request he be present at the 1330 meeting as well.

Col R.G. Oltman

Commanding Officer

Security BN, MCB Quantico

Cell # 703 881-2536

BB # 703-928-8710

Email: robert.g.oltman@usmc.mil

-----Original Message-----

From: Choike Col Daniel J

Sent: Monday, January 10, 2011 16:33

To: Oltman Col Robert G; Kauzlarich Col Mark M

Subject: RE: Army Corrections Command independent review of Pvt Manning custody classifications

Bob,

Concur with your concerns and I think we would be better served with OSD evaluating and not just Army Corrections. This may be one in the same, seeing that Col Shumake is an US Army officer, but operates in a different capacity.

If we think through this process of evaluation (I think we need to do it even with some

concerns), then what about HQMC PSL evaluating us first and have them sponsor the Army or OSD Corrections experts to follow suit to compare notes. We need to stress the importance of concurrence in what we are doing, in light of all the attention received. CWO5 Galaviz is still coming by to visit this Weds, we might need to discuss this beforehand.  
SF, DJC

Col Daniel J. Choike, USMC  
Commander, Marine Corps Base  
3250 Catlin Avenue  
Quantico, VA 22134-5001  
Office: (703) 784-5900  
Cell: (703) 675-6661  
Fax: (703) 784-5906  
DSN: 278-5900  
Email: daniel.choike@usmc.mil

-----Original Message-----

From: Oltman Col Robert G  
Sent: Monday, January 10, 2011 13:15  
To: Choike Col Daniel J; Kauzlarich Col Mark M  
Subject: FW: Army Corrections Command independent review of Pvt Manning custody classifications  
Gentlemen

FYSA. This is a result of the email exchanges of the past few weeks. I am open to showing our facility to anyone who wants to see it but I do have some reservations about an independent assessment of our detainees. We should expect that if their opinion is different from ours, Manning's defense council will get that information and exploit it in the press.

Col R.G. Oltman  
Commanding Officer  
Security BN, MCB Quantico  
Cell # 703 881-2536  
BB # 703-928-8710  
Email: robert.g.oltman@usmc.mil

-----Original Message-----

From: Galaviz CWO5 Abel  
Sent: Monday, January 10, 2011 10:33  
To: Averhart CWO4 James T  
Cc: Oltman Col Robert G; Burris MGySgt Richard L; Pagan CIV Radomet R; Wright LtCol Troy V  
Subject: Army Corrections Command independent review of Pvt Manning custody classifications

Col Oltman, CWO Averhart, as agreed previously we have asked the Army Corrections HQ's if they would conduct a review of your custody classification process and decisions made in Pvt Manning as an outside USMC source. Greg Stroebel has agreed and suggested Wednesday the 12th between 1330 and 1400 as the best opportunity for him to make it down there. Please advise on the supportability of this suggested date and time.

Respectfully Submitted,  
CWO-5 Abel Galaviz  
Head, Corrections Section  
PP&O, PS Division, PSL Branch  
Com (703) 614-1480/2095 dsn 224

BBerry (703) 350-5986

Email: Abel.Galaviz@usmc.mil

SIPR: GalavizA@HQMC.usmc.smil.mil

"Don't tell people how to do things. Tell them what to do and let them surprise you with the results."

# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Captain Hocker  
To: Classification and Assignment Board

20100806  
DATE

MANNING, BRADLEY E.  
Last, First, Middle Init.

SSN

RCN

1. The following action is recommended for subject:

Custody:  
**MAXIMUM**

Squad Bay:  
**SQ-1**

Job:  
**SR**

☒ Inmate DOES pose a threat to himself

☐ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☒ Inmate DOES NEED to be segregated from general population

☐ Inmate DOES NOT need to be segregated from general population

☒ Inmate has a LOW TOLERANCE of frustration / stress

☐ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

Medical Officer's Remarks:

*Pt not currently suicidal & is at lower risk than when he was here. Still carries substantial risk. I concur with my consultant, Col. Miller, that decrease in precautions from suicide precautions to prevention of injury precautions (25 min checks). Recommend he not have access to belts, booties, urine, freshbag, etc.*

*WJH*  
\_\_\_\_\_  
William J. Hocker, MD  
CAPT MC USN  
Psychiatrist

APPELLATE EXHIBIT 420a  
PAGE REFERENCED: \_\_\_\_\_  
PAGE    OF    PAGES

**From:** Hocter, William J.  
**Sent:** Tuesday, August 10, 2010 11:03 AM  
**To:** Neill, Mary E CAPT  
**Subject:** RE: Update Brig staff  
**Signed By:** william.hocter@med.navy.mil

Roger. Thanks

-----Original Message-----

**From:** Neill, Mary E CAPT  
**Sent:** Tuesday, August 10, 2010 11:03 AM  
**To:** Hocter, William J.  
**Subject:** Re: Update Brig staff

Got it, I am with the base commander as we speak and will present your recommendations directly to CO. Will get back to you shortly.

----- Original Message -----

**From:** Hocter, William J.  
**To:** Neill, Mary E CAPT  
**Sent:** Tue Aug 10 10:35:02 2010  
**Subject:** RE: Update Brig staff

Skipper-I just spoke to GySGT Blevins about the detainee. They have the necessary paperwork from me and the OIC received it yesterday. Per GySGT, the OIC elected to continue suicide precautions, not from a suicide risk standpoint, but for security reasons. I do wish they would at least let him have his clothes back (I recommended no shoelaces or belts for example). I'm not real happy about this. However, my experience with the Brig has been that they stick to their guns. I'd appreciate your thoughts.

V/R

CAPT Hocter

-----Original Message-----

**From:** Neill, Mary E CAPT  
**Sent:** Monday, August 09, 2010 5:27 PM  
**To:** Hocter, William J.  
**Subject:** Update Brig staff  
**Importance:** High

Doc,  
If the recommendation from you and Col Malone is to move from suicide precautions to prevention of injury would you please ensure this has been communicated to the brig staff so they can allow appropriate clothing, etc?  
Seems like there may be a disconnect and the detainee is still on suicide precautions. Thank you.

V/R,  
CO

CAPT Mary E. Neill, DC, USN  
Commanding Officer  
Naval Health Clinic Quantico

# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Captain Hocter  
To: Classification and Assignment Board

20100827

DATE

MANNING, BRADLEY E.

Last, First, Middle Init.

SSN

RCN

1. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
POI

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NEED to be segregated from general population

☒ Inmate DOES NOT need to be segregated from general population

☐ Inmate has a LOW TOLERANCE of frustration / stress

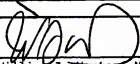
☒ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

## Medical Officer's Remarks:

Plt under my care and continues to improve. He has not reported any suicidal thoughts and guards have not reported any behavioral problems. I have discussed with the case with the consultant, Col Meloy, who concurs that it is now safe to remove him from POT status due to his decreased level of risk. My understanding of Army regulations is that all detainees on max status are checked every 15 minutes. That should be sufficient. I will continue to follow him.

  
William J. Hocter, MD  
CAPT MC USN  
Psychiatrist

**From:** Neill, Mary E CAPT [Mary.Neill@med.navy.mil]  
**Sent:** Monday, October 18, 2010 5:13 PM  
**To:** Ebitz Maj Amy R; Lyons LtCol Stephen M; Greer LtCol Christopher M; Johnson Col Thomas V; Jenks CIV Chuck C; Kauzlarich Col Mark M  
**Cc:** Oltman Col Robert G; Choike Col Daniel J  
**Subject:** RE: DET MANNING WEEKLY PROGRESS REPORT  
**Signed By:** mary.neill@med.navy.mil

Team,

Medical Clinic Update through 15 October 2010:

1. Detainee seen by Naval Health Clinic Quantico Mental Health provider, CAPT Hocker on 12 Oct and 15 Oct 2010. Planned visit on 22 October 2010. Detainee remains stable and adjusted to routine. CAPT Hocker continues to recommend removal of POI precautions, but defers to brig for determination of status according to brig protocol. CAPT Hocker has also recommended that detainee be allowed opportunity to exercise in cell as he has noted a decline in physical conditioning in detainee over past weeks.
2. Contingency plan for Mental Health provider coverage has been activated in the event of CAPT Hocker's absence and unavailability. We have a qualified civilian contractor who will have their position description modified to enable them to provide services at the Brig when needed.

Respectfully submitted,

CAPT Mary E. Neill, DC, USN  
Commanding Officer  
Naval Health Clinic Quantico  
Com: (703) 784-1500  
DSN: 278-1500  
e-mail: [mary.neill@med.navy.mil](mailto:mary.neill@med.navy.mil)

-----Original Message-----

**From:** Ebitz Maj Amy R [<mailto:amy.ebitz@usmc.mil>]  
**Sent:** Friday, October 15, 2010 10:12 AM  
**To:** Lyons LtCol Stephen M; Greer LtCol Christopher M; Johnson Col Thomas V; Jenks CIV Chuck C; Neill, Mary E CAPT; Kauzlarich Col Mark M  
**Cc:** Oltman Col Robert G; Choike Col Daniel J  
**Subject:** DET MANNING WEEKLY PROGRESS REPORT

Gentlemen and Lady,

As directed.

R/



**From:** Hocter, William J.  
**Sent:** Monday, December 06, 2010 9:13 AM  
**To:** Neill, Mary E CAPT  
**Subject:** RE: Weekly Report  
**Signed By:** william.hocter@med.navy.mil

Ma'am- CAPT Moore and I saw the patient the day after Thanksgiving-the Brig Admin staff was off for the day. Not surprised we weren't "captured."

V/R

CAPT Hocter

-----Original Message-----

**From:** Neill, Mary E CAPT  
**Sent:** Friday, December 03, 2010 9:18 AM  
**To:** Hocter, William J.  
**Cc:** Raimondo, Lisa H. CAPT  
**Subject:** RE: Weekly Report

CAPT Hocter,  
Thanks for the update. Did you tell me that you were planning a visit on the 26 Nov, day after Thanksgiving or the following Monday to cover last week? I thought that you and CAPT Moore visited. The report from the brig said there were no mental health visits/evaluations and I was just checking to see if we need to correct their weekly report. I also want to make sure that we are sensitive to the wording they are using in the report "due to brig Psychiatrist's absence."  
Should any issues arise this has potential to be support for the defense in that we prescribed a once a week visit and that we also said we would send alternate behavioral health provider in the event that primary was not available. Not my intent to dictate medical treatment, but maintain awareness of highly visible scenario. These reports are seen at very high levels and may be inaccurate so I want to make sure we are correcting with respect to our information for the prescribed dates.

So for the week going forward from 30 Nov the weekly visit that should be captured in the brig report will be yesterday, 2 Dec 2010. It gets a little confusing when I augment their report. I am attaching the brig report for your awareness. Thanks for the continued effort in supporting brig operations.

V/R,  
CO

-----Original Message-----

**From:** Hocter, William J.  
**Sent:** Thursday, December 02, 2010 8:05 PM  
**To:** Neill, Mary E CAPT  
**Subject:** Weekly Report

Skipper-No change in Manning's condition overall. I'm keeping an eye on the

behaviors mentioned in the report last week but am not terribly worried.

V/R

CAPT Hocter

**From:** Neill, Mary E CAPT [Mary.Neill@med.navy.mil]  
**Sent:** Thursday, October 28, 2010 6:17 PM  
**To:** Ebitz Maj Amy R; Lyons LtCol Stephen M; Greer LtCol Christopher M; Johnson Col Thomas V; Jenks CIV Chuck C; Kauzlarich Col Mark M  
**Cc:** Oltman Col Robert G; Choike Col Daniel J; Raimondo CAPT Lisa  
**Subject:** RE: DET MANNING WEEKLY PROGRESS REPORT  
**Signed By:** mary.neill@med.navy.mil

ALCON,

Please note that our Mental Health provider, CAPT Hocter, has determined that a weekly visit, vice twice a week, is the appropriate frequency based on current status of detainee. Subject to adjustment as required. Will notify if any change to one visit per week.

V/R,

CAPT Neill

CAPT Mary E. Neill, DC, USN  
Commanding Officer  
Naval Health Clinic Quantico  
Com: (703) 784-1500  
DSN: 278-1500  
e-mail: [mary.neill@med.navy.mil](mailto:mary.neill@med.navy.mil)

-----Original Message-----

From: Ebitz Maj Amy R [<mailto:amy.ebitz@usmc.mil>]  
Sent: Wednesday, October 27, 2010 10:29 AM  
To: Lyons LtCol Stephen M; Greer LtCol Christopher M; Johnson Col Thomas V; Jenks CIV Chuck C; Neill, Mary E CAPT; Kauzlarich Col Mark M  
Cc: Oltman Col Robert G; Choike Col Daniel J  
Subject: DET MANNING WEEKLY PROGRESS REPORT

Good Morning Lady and Gentlemen,

As directed.

R/

Major A. R. Ebitz  
Executive Officer  
Security Battalion, Marine Corps Base Quantico  
(703) 784-2385 cell (540) 656-0771  
FBINA Session 240

# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Captain Hocter, W.J.  
To: Classification and Assignment Board

20101210  
DATE

MANNING, BRADLEY E.  
Last, First, Middle Init.

SSN

RCN

1. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
POI

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NEED to be segregated from general population

☒ Inmate DOES NOT need to be segregated from general population

☒ Inmate has a LOW TOLERANCE of frustration / stress

☐ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

Medical Officer's Remarks:

Pt not currently suicidal, however,  
is under a great deal of stress. Recommend maintain  
POI at this time. will Follow.

WJH  
William J. Hocter, MD  
CAPT MC USN  
Psychiatrist

---

**From:** Hocter, William J.  
**Sent:** Monday, December 13, 2010 7:04 PM  
**To:** Neill, Mary E CAPT  
**Subject:** RE: Weekly Manning Report  
**Signed By:** william.hocter@med.navy.mil

Skipper-I saw Manning this afternoon. Looks much better. I've recommended removal from POI. The Brig staff did not have the precaution paperwork for me today because I was in and out fairly quickly. (I spent an hour there with Manning and a new patient in from Afghanistan between clinic patients)and I have asked them to fax it to me tomorrow.

V/R

CAPT Hocter

-----Original Message-----

**From:** Neill, Mary E CAPT  
**Sent:** Friday, December 10, 2010 3:26 PM  
**To:** Hocter, William J.  
**Subject:** Re: Weekly Manning Report

Got it, thanks for the update and details. We are tracking with getting the official paperwork lined up to have you covered during your absence so be thinking about when you want to turnover and introduce to brig staff. Hope you have a great weekend.

V/R,  
CO

----- Original Message -----

**From:** Hocter, William J.  
**To:** Neill, Mary E CAPT  
**Sent:** Fri Dec 10 15:05:26 2010  
**Subject:** Weekly Manning Report

Skipper-Manning looked more anxious and irritable today Although not suicidal, he appears more vulnerable, and I recommended he stay on POI today. The most important factor related to his change involves some environmental changes (TV news removed), which is difficult for a former intelligence analyst who wants to know what is going on. The situation is complicated-apparently Fox News reported that Manning's death had been reported on Twitter. Holiday loneliness also plays a role. I plan to visit him an additional time this week and to call his attorney to see if some family and friends might visit.

V/R

CAPT Hocter

# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Captain Hocter, W.J.  
To: Classification and Assignment Board

20101213

DATE

MANNING, BRADLEY E.  
Last, First, Middle Init.

SSN

RCN

1. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
POI

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NEED to be segregated from general population

☒ Inmate DOES NOT need to be segregated from general population

☐ Inmate has a LOW TOLERANCE of frustration / stress

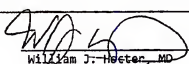
☒ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

## Medical Officer's Remarks:

PA improved from last Friday less anxious.  
NO SI/AT. Will continue to follow. Recommend removal  
from POT status.

  
William J. Hocter, MD  
CAPT MC USN  
Psychiatrist

APPELLATE EXHIBIT 420  
PAGE REFERENCED: \_\_\_\_\_  
PAGE \_\_\_\_ OF \_\_\_\_ PAGES

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**From:** Raimondo, Lisa H. CAPT  
**Sent:** Tuesday, January 18, 2011 5:13 PM  
**To:** Neill, Mary E CAPT  
**Subject:** Update from CAPT Hocter - 18 JAN  
**Signed By:** lisa.raimondo@med.navy.mil

Skipper -

CAPT Hocter stopped by to inform you that he was called to the brig urgently this afternoon to evaluate mbr for an anxiety attack. He indicated that two of the guards were gruff in their demeanor today and this "sent mbr into heightened state of anxiety." (Likely reactive in nature due to guard's demeanor).

Mbr was able to be calmed via dialogue and presence of CAPT Hocter, no new or additional meds were required. CAPT Hocter's recommendation to brig was to continue POI, however, he recognizes that the brig guards are now anxious and they may impart suicide precautions for mbr. CAPT Hocter will relay all of this to COL Malone.

CAPT Hocter departs tomorrow for his deployment. Plan for follow-up tomorrow by either COL Malone or Ms. Cotter at brig.

VR - XO

Lisa H. Raimondo  
CAPT NC USN  
Executive Officer  
Naval Health Clinic Quantico  
3259 Catlin Ave  
Quantico, VA 22134-6050  
Comm: 703-784-1500  
DSN: 278-1500

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# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Colonel Malone, R. D.  
To: Classification and Assignment Board

20110118  
DATE

MANNING, BRADLEY E.

Last, First, Middle Init.

SSN

RCN

I. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
SUICIDE RISK

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NEED to be segregated from general population

☒ Inmate DOES NOT need to be segregated from general population

☒ Inmate has a LOW TOLERANCE of frustration / stress

☐ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

## Medical Officer's Remarks:

Based on review of records, CAPT Hector recommended  
24 hr POC

*Ricky D. Malone MD*  
Ricky D. Malone, MD  
COL MC USA  
Psychiatrist

APPELLATE EXHIBIT 420  
PAGE REFERENCED:  
PAGE \_\_\_ OF \_\_\_ PAGES



# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Captain Hocter, W.J.  
To: Classification and Assignment Board

20110114  
DATE

MANNING, BRADLEY E.  
Last, First, Middle Init.

SSN

RCN

1. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
POI

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NEED to be segregated from general population

☐ Inmate DOES NOT need to be segregated from general population

☐ Inmate has a LOW TOLERANCE of frustration / stress

☐ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

## Medical Officer's Remarks:

Pt continues to not be suicidal and does not require POI. Please remove him. If he remains enhanced security for other reasons, please consider writing a separate SOP.

William J. Hocter, MD  
CAPT MC USN  
Psychiatrist

IN THE UNITED STATES ARMY  
FIRST JUDICIAL CIRCUIT

UNITED STATES

v.

MANNING, Bradley E., PFC  
U.S. Army, [REDACTED]  
Headquarters and Headquarters Company, U.S.  
Army Garrison, Joint Base Myer-Henderson Hall,  
Fort Myer, VA 22211

)  
)  
) **RULING:**  
) **PROPOSED PLEAS**  
) **AND MAXIMUM**  
) **PUNISHMENTS**

) DATED: 28 November 2012  
)

On 26 October 2012 the Court ordered the parties to address the following issues for each specification involving a propose plea by the accused.

1. Is the proffered plea a lesser included offense of the charged offense or does it contain amendments to the specification requiring Convening Authority approval to be a referred offense? *U.S. v. Morton*, 69 M.J. 12 (C.A.A.F. 2010).
2. Assuming the Court accepts the proffered plea as a lesser included offense of the Charged offense or the Convening Authority approves amendment of the specification, what is the maximum punishment for each specification in accordance with the accused's proffered plea IAW RCM 1003(c)(1)(B) and *United States v. Beaty*, 70 M.J. 39 (C.A.A.F. 2011).


The Court has considered the filings of the parties. Neither side requested oral argument. The Court asked for and received oral argument regarding specification 11 of Charge II. The Court finds and rules as follows:

1. The accused's proposed pleas to specifications 2, 3, 5, 7, 9, 10 and 15 of Charge II under clauses 1 and 2 of Article 134 are lesser included offenses of the offenses charged under 18 U.S.C. Section 793(e) and Article 134. The Court will accept the accused's pleas to these lesser included offenses if provident. The Article 134 lesser included offenses are not included in or closely analogous to an offense listed in the MCM. The conduct and mens rea of the lesser included offenses are not essentially the same as a violation of United States Code Section 793(e) because the accused is pleading to a residuum of elements for that offense. AR 380-5 dated 29 September 2000 (Information Security Program) establishes a custom of the service penalizing disclosures of classified and sensitive information. Disclosures charged under Article 92 would carry a maximum punishment of reduction to E-1, total forfeiture of all pay and allowances, confinement for 2 years, and a dishonorable discharge. This will be the maximum penalty for each of the above lesser included offense specifications proposed by the accused with a total of 14 years confinement for all 7 specifications.
2. The remainder of the accused's proposed pleas are irregular pleas IAW RCM 910(b). The proposed revised specifications are not lesser included offenses of the charged offenses. They are different offenses. *United States v. Diaz*, 69 M.J. 127 (C.A.A.F. 2010) (an accused is free to proffer an alternative plea, but he is not entitled to design his own offense). Without convening authority approval constituting a constructive referral, the remaining proposed pleas by exceptions and substitutions are charges not referred to this Court. *U.S. v. Morton*, 69 M.J. 12, fn 7 (C.A.A.F. 2010). The Court will not accept the pleas. The pleas are not variances. A variance exists when evidence at trial establishes the commission

of a criminal offense by the accused but the proof does not conform strictly with the pleadings. *United States v. Allen*, 50 M.J. 84, 86 (C.A.A.F. 1999).

- a. The proposed plea to specification 1 of Charge II is not a lesser included offense of the offense charged in that it adds an element of "knowing that WikiLeaks might publish the information on the internet". "Knowing" is not a subset of "wrongfully and wantonly". This added element and the substitution of "wrongfully gave information belonging to the United States Government to Wikileaks" changes the nature of the conduct the Government charged as prejudicial to good order and discipline and service discrediting.
  - b. The proposed pleas to specifications 4, 6, 8, and 12 of Charge II are not lesser included offenses of the offenses charged in the respective specifications. The essence of the offenses as charged under 18 U.S.C. Section 641 and Article 134 involve a taking, purloining, or knowing conversion of records belonging to the United States. The substituted words "removal for an unauthorized purpose" add an element and substantially change the nature of the conduct the Government has charged is prejudicial to good order and discipline and service discrediting. In addition, the substituted words are not inherently criminal and contain no words of criminality. RCM 307(c)(3) Discussion.
  - c. The proposed pleas to specifications 13 and 14 of Charge II are not lesser included offenses of the offenses charged in those specifications. The essence of the charged offenses under 18 U.S.C. Section 1030(a)(1) is the use of a computer to gain unauthorized access to information deemed by the Government to require protection against unauthorized disclosure for reasons of national defense or foreign relations. The proposed substitutions add an element of "unauthorized possession" and substantially changes the nature of the conduct the Government has charged is prejudicial to good order and discipline and service discrediting.
  - d. The proposed plea to specification 11 of Charge II is not a lesser included offense of the offense charged in that specification. The Government has proffered that there were 2 communications of the video at issue, one between on or about 1 November 2009 and 8 January 2010 and a second between on or about 10-12 April 2010. In specification 11 of Charge II, the Government charged the first communication. The substituted words are a plea to the second communication which has not been charged or referred to this Court for trial.
3. In addition to the pleas to the lesser included offense in specifications 2, 3, 5, 7, 9, 10 and 15 that the Court has agreed to accept, the accused is also pleading guilty to specification 5 of Charge III without change. Thus the maximum punishment based solely on the accused's proposed pleas that are accepted by the Court is reduction to the grade of E-1, total forfeiture of all pay and allowances, confinement for 16 years and a dishonorable discharge.

So **ORDERED** this 28th day of November 2012.

  
DENISE R. LIND  
COL, JA  
Chief Judge, 1st Judicial Circuit

UNCLASSIFIED

UNITED STATES OF AMERICA

v.

Manning, Bradley E.  
PFC, U.S. Army,  
HHC, U.S. Army Garrison,  
Joint Base Myer-Henderson Hall  
Fort Myer, Virginia 22211

Prosecution Notice to Court of  
Declassification of Information  
(Usama bin Laden Digital Media)

29 November 2012

NOTICE

On 21 November 2012, the United States Government declassified the following information for use in this case:

During the raid on Usama bin Laden's (UBL) compound in Abbottabad, Pakistan, United States government officials collected several items of digital media. From the items of digital media, the following items relevant to this case were obtained: (1) a letter from UBL to a member of al-Qaeda requesting the member gather Department of Defense material posted to WikiLeaks; (2) a letter from the same member of al-Qaeda to UBL, attached to which were all the Afghanistan significant activity reports as posted by WikiLeaks; and (3) Department of State information.

The above information is the only information related the UBL raid that has been declassified; therefore any detail or inference about the digital media, items obtained from the digital media, and any process associated with digital media or the raid, except as otherwise stated above, remains classified.



ASHDEN FEIN  
MAJ, JA  
Trial Counsel

I certify that I served or caused to be served a true copy of the above on Mr. David Coombs, Civilian Defense Counsel via electronic mail, on 29 November 2012.



ASHDEN FEIN  
MAJ, JA  
Trial Counsel

UNCLASSIFIED

APPELLATE EXHIBIT 422  
PAGE REFERENCED: \_\_\_\_\_  
PAGE OF PAGES

# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Colonel Malone, R. D.  
To: Classification and Assignment Board

20110118  
DATE

MANNING, BRADLEY E.

Last, First, Middle Init.

SSN

RCN

1. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
SUICIDE RISK

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NEED to be segregated from general population

☒ Inmate DOES NOT need to be segregated from general population

☒ Inmate has a LOW TOLERANCE of frustration / stress

☐ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

## Medical Officer's Remarks:

Based on review of records, CAPT Hester recommended  
24 hr PSI

*Ricky D. Malone MD*  
Ricky D. Malone, MD  
COL MC USA  
Psychiatrist

# SUICIDE RISK / PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Colonel Malone, R. D.  
To: Classification and Assignment Board

20110121  
DATE

MANNING, BRADLEY E.

Last, First, Middle Init.

SSN

RCN

1. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
SUICIDE RISK

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NOT need to be segregated from general population

☒ Inmate DOES NOT need to be segregated from general population

☒ Inmate has a LOW TOLERANCE of frustration / stress

☐ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

## Medical Officer's Remarks:

No current suicidal thoughts or intent, psych. status stable,  
cleared to come off POI

Rick Malone MD

Ricky D. Malone, MD  
COL MC USA  
Psychiatrist

# REPORT OF BEHAVIORAL HEALTH EVALUATION CLASSIFICATION AND ASSIGNMENT BOARD

NAME (Last, First, MI): MANNING BRADLEY E SSN: YXX-XX-9504 RCN: 149504 B55

## REASON FOR BH EVALUATION

SUICIDE WATCH ☒ PREVENTION OF INJURY ☒ OTHER: ☐

## MENTAL STATUS EXAMINATION (CHECK ALL THAT APPLY)

BEHAVIOR:	HYPERACTIVE	<u>NORMAL</u>	PASSIVE	AGGRESSIVE	HOSTILE	SUSPICIOUS	BIZARRE
LEVEL OF ALERTNESS:	<u>FULLY ALERT</u>		DULL	SOMNOLENT			
LEVEL OF ORIENTATION:	<u>FULLY ORIENTED</u>		PARTIAL	DISORIENTED			
MOOD AND AFFECT:	<u>UNREMARKABLE</u>		FLAT	DEPRESSED	LABILE	MANIC OR HYPOMANIC	
THINKING PROCESS	<u>CLEAR</u>		CONFUSED	BIZARRE	LOOSELY CONNECTED		
THOUGHT CONTENT	<u>NORMAL</u>	ABNORMAL	HALLUCINATION	PARANOID IDEATION	DELUSIONS		
MEMORY:	<u>GOOD</u>		FAIR	POOR			

\*EXPLAIN ANY ABNORMAL FINDING IN REMARKS

## FINDINGS

MENTAL DISORDER IS: RESOLVED IMPROVING STABLE DETERIORATING N/A

RISK FOR SUICIDE/SELF-HARM IS: LOW MODERATE HIGH

RISK FOR VIOLENCE IS: LOW MODERATE HIGH

BEHAVIORAL DISTURBANCE: IS IS IS NOT DUE TO A TREATABLE MENTAL DISORDER N/A

INMATE: DOES DOES NOT NEED TO BE SEGREGATED FROM GENERAL POPULATION DUE TO A TREATABLE MENTAL DISORDER

NEEDS FURTHER EXAMINATION: WITHIN 24 HOURS WITHIN 72 HOURS ROUTINE N/A

OTHER (See Remarks)

## REMARKS:

Anxiety disorder remains in remission, now off medication.  
Risk assessment stable, low  
No significant changes with recent legal development.

20110304

DATE

EVALUATOR:

SIGNATURE

Rick Malone MD

PRINTED NAME Rick Malone, MD, MC

# SUICIDE RISK, PREVENTION OF INJURY ASSIGNMENT REVIEW

From: Colonel Malone, R. D.  
To: Classification and Assignment Board

20110128  
DATE

MANNING, BRADLEY E.  
Last, First, Middle Init.

SSN

RCN



1. The following action is recommended for subject:

Custody:  
MAXIMUM

Squad Bay:  
SQ-1

Job:  
POI

☐ Inmate DOES pose a threat to himself

☒ Inmate DOES NOT pose a threat to himself

☒ Further mental evaluation IS necessary

☐ Further mental evaluation is NOT necessary

☐ Inmate DOES NEED to be segregated from general population

☒ Inmate DOES NOT need to be segregated from general population

☒ Inmate has a LOW TOLERANCE of frustration / stress

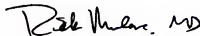
☐ Inmate has an AVERAGE TOLERANCE of frustration / stress

☐

☐

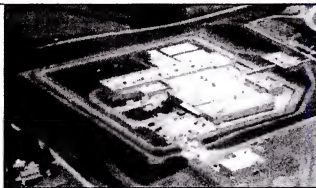
Medical Officer's Remarks:

Remains at moderate risk of self-harm, which is improved since arrival, would not require a higher level of psychiatric care to mitigate risk at this point. Requires routine outpatient follow-up. Frustration tolerance has improved but still somewhat below average, limited ability to express or understand his feelings. Risks and benefits of POI are not further detrimental at this time.

  
Rick D. Malone, MD  
COL MC USA  
Psychiatrist



For pictures and video go to [www.army.mil/jrcf](http://www.army.mil/jrcf)



### Joint Regional Correctional Facility

The Midwest Joint Regional Correctional Facility (JRCF) is the newest Department of Defense (DoD) correctional facility. It is a state-of-the-art, 464 bed, medium/minimum custody facility with a 48-bed special housing unit built to comply with American Correctional Association Standards. It officially opened on October 1<sup>st</sup>, 2010 and received its first military prisoners four days later. The mission of the JRCF is to provide pretrial confinement and posttrial incarceration for U.S. military prisoners sentenced to up to five years of confinement. The JRCF staff conducts correctional and treatment programs in order to maintain good order and discipline and reduce recidivism upon release from confinement. The facility is located adjacent to the United States Disciplinary Barracks (USDB); together they form the Military Correctional Complex (MCC) at Fort Leavenworth, Kansas. The MCC is similar to a Federal Bureau of Prisons' Federal Correctional Complex in that it clusters several distinct correctional facilities of varying security levels in one location that share services and manage efficiencies in manpower and logistics.

The JRCF staff includes a team of mental health professionals, including a psychiatrist, psychologist, social workers, and behavioral science noncommissioned officers with experience in addressing the needs of military personnel in pre and posttrial confinement. The facility's Directorate of Operations is responsible for security, safety, housing unit operations, military police investigations and physical security. The JRCF also has its own military facility commander who reports to the 15<sup>th</sup> Military Police Brigade Commander/MCC Commander, who leads a team of approximately 1,200 trained and experienced Corrections Specialists and Soldiers.

Within the JRCF, there are six general population housing units capable of holding a total of 464 prisoners. All of the six general housing units are of the direct supervision design. The correctional specialist's control panel is located in the housing unit common area. Five of the general housing units are two levels with 40 modular cells. Each of these general housing units has the capability of housing 80 prisoners each. The sixth general housing unit is an open bay design with 32 double bunks capable of housing 64 minimum security prisoners. Each housing unit has an open center containing pay phones, tables, chairs, and televisions.

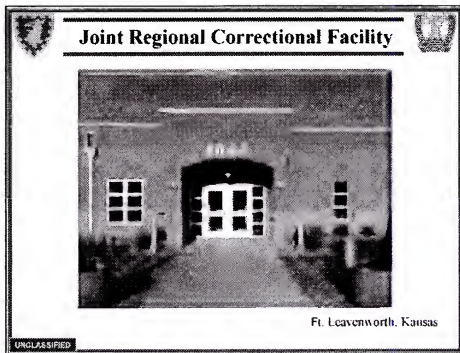
Each cell is at least 80 square feet, of which 35 square feet is unencumbered, usable space not taken up by furnishings or fixtures. All cells have a sleeping surface and mattress, a writing surface and seat, storage for personal items, and adequate storage space for clothes and personal belongings. Lighting in all cells is at least 20 foot-candles at desk level and in personal grooming areas, and prisoners have access to natural light by means of an opening or a window of at least three square feet between the cell and an adjacent space.



The Special Housing Unit (SHU) is a multi-floor design with 48 individual cells. The correctional specialist's control panel is located in a secure observation booth. There are four areas of four cells each designated for pretrial prisoners awaiting trial. This is where PFC Manning will be located. The pretrial living area and daily activities are separate from the general population. Pretrial prisoners are also segregated from general population prisoners for all meals and recreation. However, pretrial prisoners, like PFC Manning, are able to interact with each other in a common area just outside their individual cells. Pretrial prisoners also receive 3 hours of recreation daily and are able to watch television, read or engage in other personal activities while in their housing unit. During pretrial confinement, pretrial prisoners have access to religious support, medical and mental health care, personal and legal visitation, phone calls, and are authorized to write and receive mail daily.



The JRCF occupies approximately 40 acres of property with a 250,000 square foot facility consisting of five buildings. The exterior walls of the facility were built using 1,488 precast concrete panels. Outside the secure perimeter of the fence is an administrative building, a utility building and the MCC warehouse. Inside the secure perimeter is a vehicle access security building and the main multi-purpose building. The main building is divided into multiple zones consisting of legal, food service, medical/dental clinics, education, chapel, prisoner services, visitation, vocational training, library, gymnasium, laundry, administrative offices and the general population housing units. There is an open air central recreation yard consisting of a softball field, two full sized basketball courts, a handball court, weight pad with eight stack weight systems, and a paved running track, all with exterior lighting. The perimeter fence consists of two 12 foot chain link fences, topped with wire and an intrusion detection system monitored from the central control. The perimeter is illuminated by security lighting and monitored by CCTV and roving security patrols.



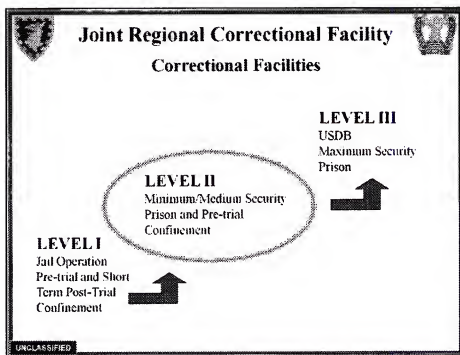


## **Joint Regional Correctional Facility**

### **DOD Corrections Authority**

- Title 10 USC, Chapter 47, UCMJ
- Title 10 USC, Chapter 48, Sections 801-940
- DOD Directive 1325.4
  - Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities
- DOD Instruction 1325.7
  - Administration of Military Correction Facilities and Clemency and Parole Authority
- AR 190-47, The Army Corrections System

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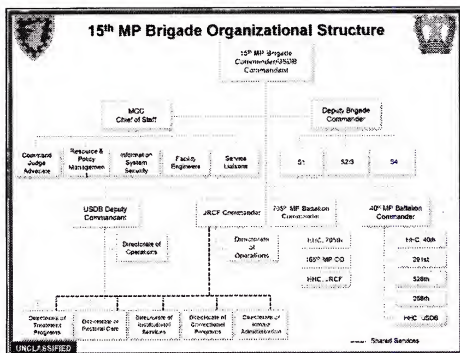


## **Joint Regional Correctional Facility Mission**



The JRCF mission is to provide pretrial confinement and post-trial incarceration for U.S. Military inmates sentenced to up to five years of confinement. The JRCF staff conduct correctional and treatment programs in order to maintain good order and discipline and return productive Soldiers/citizens upon their release to military or civilian environments.

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## Joint Regional Correctional Facility Treatment Programs



### Health Clinic:

- Reception physical (health needs)
- Daily sick call/minor procedures
- Audiology booth
- Dental Clinic
- Laboratory
- Referral to installation/local specialist

### Assessment Division:

- Conducts archival research
- Assesses internal and external risk
- Develops inmate management action plan (links classification to risk assessment)

### Mental Health Division:

- Conducts psychometric tests to assess inmate functioning
- Treats all mentally ill inmates
- Coordinates psychiatric services

### Rehabilitation Division (Post Trial):

- Conducts treatment groups
  - Case management group
  - Chemical abuse and addiction program
  - Assaultive offender group
  - Sex offender treatment program/sex offender maintenance group
  - Anger management group
- Coordinates self growth programs
  - Alcoholics Anonymous
  - Narcotics Anonymous

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## Joint Regional Correctional Facility Pastoral Care



### Religious Program:

- Worship services
- Religious education
- Religious classes and meetings
- Facilitate faith support groups
- Support over 26 different religions

### Other Support:

- Volunteers
- Music
- Education
- Admin Segregation Checks

### Religious Media Room:

- Books
- Videos

### Counseling:

- Religious preferences
- Individual

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## Joint Regional Correctional Facility Institutional Services



### Mailroom:

- Screening (in/outgoing)
- Personal property

### Dining Facility:

- Inmate detail
- DFAC advisory counsel
- Daily operations

### Funds Management:

- Telephone
- Personal property
- Personal finances
- Health and comfort items

### Laundry:

- Inmate detail
- Personal clothing/bedding

### Inside/Outside Ground Maintenance:

- Inmate detail
- Area beautification

### Phone Services:

- Account management

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## Joint Regional Correctional Facility Correctional Programs



### Work Opportunities:

- Barber apprenticeship
- Textile repair

### Education:

- Academic skills training
- Adult basic education assessment
- Independent study courses
- External degree completion

### Library:

- Law
- Leisure

### Pre-Release:

- Resume
- Job Search
- Reintegration

### Recreation:

- Indoor
  - Basketball
  - P90X
  - Nautilus
  - Volleyball
  - Ping pong
- Outdoor
  - Soccer
  - Handball
  - Running
  - Fixed weights

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## Joint Regional Correctional Facility Administration



### Correctional Treatment File:

- Administrative information
- Disciplinary
- Staff communication

### Parole and Clemency Boards:

- Post trial only

### Victim/Witness:

- Communication

### Custody Classification Boards:

- Initial
- Annual
- Unscheduled


### Visitation:

- Program management
- Request


### In/Out Processing:

- Sentence computation
- Transportation
- Finance
- Unit coordination
- Temporary release

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## Joint Regional Correctional Facility Operations



**Security and Control:**

- Physical security
- Transportation support

**Policy and Procedures:**

- Guide for inmates
- Standard procedures
- Regulations

**Daily Operations:**

- Reception operations
- Special Housing Unit (SHU) operations
- Housing unit counselors
- Watch commander oversight

**Discipline:**


- Investigation section
- Recommends disposition

**Inmate Advisory Counsel:**

- Monthly
- Inmate opportunity to influence change

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<b>Joint Regional Correctional Facility Reception Operations</b>	
<b><u>Arrival:</u></b>	<b><u>Additional:</u></b>
<ul style="list-style-type: none"><li>• Verify confinement order</li><li>• Inventory property</li><li>• Photo and fingerprint</li></ul>	<ul style="list-style-type: none"><li>• Next of kin notification</li><li>• Establish funds account</li><li>• Establish visitation list</li><li>• Establish call list</li></ul>
<b><u>Medical:</u></b>	
<ul style="list-style-type: none"><li>• Mental health assessment</li><li>• Physical health assessment</li><li>• Dental health assessment</li></ul>	
<b><u>Integration:</u></b>	
<ul style="list-style-type: none"><li>• Classes</li><li>• Rule book</li></ul>	
<b><u>Risk Assessment:</u></b>	
<ul style="list-style-type: none"><li>• Internal and external</li><li>• Management program</li><li>• Initial classification</li></ul>	
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## **Joint Regional Correctional Facility**

### **Pre-Trial (only) Daily Schedule of Calls**

- 0500 First Call
- 0515-0545 Breakfast/Medication Call
- 0650-1120 Work Call (Pre-Trial Housing Area Only)
- 1120-1150 Lunch/Medication Call
- 1400-1500 Outdoor Recreation
- 1550-1620 Dinner/Medication Call
- 1630-1730 Library Call
- 1740-1840 Indoor Recreation
- 1900-2100 Visitation
- 2115-2120 Medication Call
- 2205 Lockdown

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Firm but Fair  
with  
Dignity and Respect

UNCLASSIFIED





RACK



RACK

RACK

PAGE REFERENCE:

APPELLATE EXHIBIT

525

8 FEET  
LONG

22



1

# REQUEST FOR INTERVIEW

(First Printed as Statement of Civil Control Committee Form)

TO: <i>Confined Officer</i>		DATE: <i>20110107</i>	
REQUEST THAT I BE AUTHORIZED AN INTERVIEW WITH THE PERSON NAMED BELOW			
1. NAME OR TITLE <b>CHIEF WARRANT OFFICER 4 AVERHART, MCB QUANTICO BRIG CO</b>			
2. SUBJECT AND PURPOSE OF THE INTERVIEW: <b>REQUEST LIFTING OF PREVENTION OF INJURY (PCI) STATUS AND CUSTODY CLASSIFICATION REVIEW, INCLUDING WRITTEN JUSTIFICATION OF MAXIMUM CUSTODY STATUS (CONSULTED A 5.3.2. OF PRISONER REGULATION, IAW A 3.3. OF REG AND REGULATION)</b>			
3. PRISONER'S NAME (Last, First, Middle Initial)	4. SERVICE NUMBER	5. DEPT. OF MIL. SERVICE	6. SIGNATURE OF PRISONER
<b>MANNING, BRADLEY E.</b>	<b>445 98 9504</b>	<b>ARMY</b>	<i>[Signature]</i>
ACTION: To be filled in by Confinement Officer.			
9a. INTERVIEW WAS <input checked="" type="checkbox"/> AUTHORIZED <input type="checkbox"/> NOT AUTHORIZED (State reason, under remarks)		7. DATE (YYYYMMDD)	
10a. FORWARDED TO (Name, Grade, and Organization, dated)		8. DATE (YYYYMMDD)	
11a. INTERVIEW WAS HELD WITH (Name, Grade, and Organization, dated)		9. DATE (YYYYMMDD)	
12. REMARKS <i>Interview Approved; SMD will appear before the Classification and Assignment Board on 21 Jan 07, to express his desire to be taken off PCI. AT 1505 the CTA Board met w/DET Manning. Board recommended SMD remain at PCI status. I concur.</i> <i>NOTE: ACTION DATE 21 JAN 11, I RECEIVED THIS CHIT DTD 20 JAN 11 TODAY. (see statement)</i>			
13. NAME AND GRADE OF CONFINEMENT OFFICER (Printed)		14. SIGNATURE OF CONFINEMENT OFFICER	
<b>James T. Averhart, Jr. CW04</b>		<i>[Signature]</i>	

DD FORM 510, SEP 2007

PREVIOUS EDITION MAY BE USED

None Professional T.O.

20110104

GUNNY SERGEANT BLENIS

REQUEST FOR BOOKS FROM DEBRA VAN ALSTINE (AUNT)  
LISTEN BACK

MANNING, BRADLEY E. 44548 4504 ARMY

VIEW WAS

AUTHORIZED

WARDEN TO

INTERVIEW WAS HELD WITH

DATE

Gyssst Blenis

20110104

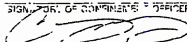
REMARKS

books have been received and approved by the  
library review board

TIME AND GRADE OF CONFINEMENT OFFIC

SIGNATURE OF COMMANDER

Gyssst Blenis



CC FORM 510, SEP 2001

FOR USE BY THE ARMY

ADDITIONAL INFORMATION

A PEOPLE'S HISTORY OF THE UNITED STATES, HENRY ZIMM  
THE SELFISH GENE, RICHARD DAWKINS  
A JOURNEY: MY POLITICAL LIFE, ???  
DECISION POINTS, GEORGE W. BUSH  
THE GOOD SOLDIERS, DAVID FINKEL  
THE PRINCIPALIA, ISSAC NEWTON

DC FORM 540 SEP 2001

REQUEST FOR INTERVIEW			
INFORM THAT THE REQUESTING OFFICE IS REQUESTING INTERVIEW			
1. TO: CONFINEMENT OFFICE	2. DATE: 2010 12 19		
3. REQUEST THAT THE OFFICE AUTHORIZE AN INTERVIEW WITH THE PERSON NAMED BELOW.			
4. NAME OF TITLE LUNNEY SERGEANT BLANIS OR STAFF SERGEANT JORDAN			
5. SUBJECT AND PURPOSE OF THE INTERVIEW REQUEST EMERGENCY PHONE CALL w/ ATTORNEY RE: VICE PRESIDENT JOSEPH BIDEN			
6. PRISONER'S NAME: MANNING BRADLEY	7. SERVICE NO./ISSN: 9504	8. TYPE OF MIL. SERVICE: ARMY	9. SIGNATURE OF PRISONER: [Signature]
10. INTERVIEW WAS AUTHORIZED: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		11. DATE: 2010 12 19	
12. FORWARDED TO: [ ]		13. DATE: 2010 12 19	
14. INTERVIEW WAS HELD WITH: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		15. DATE: 2010 12 19	
16. REMARKS: Sub was placed on the phone with a Attorney at 1225 on 2010 12 19			
17. NAME AND GRADE OF CONFINEMENT OFFICE: [ ]		18. SIGNATURE OF CONFINEMENT OFFICE: [Signature]	

REQUEST FOR INTERVIEW

108967-7086. An *Schistosoma* sp. n. from the Mediterranean Sea

1176

Համալսարան : Դիպչ:

DATE: 11/11/2011

2010:1213

REQUEST THAT, B: AUTHORIZED AI INTERVIEW WITH THE PERSON NAMED BELOW.

NAME OR TITLE  
GUNNERY SERGEANT BLENIS

1. SUBJECT AND PURPOSE OF THE INTERVIEW:

SUBJECT AND PURPOSE OF THE INTERVIEW: REQUEST GIFT BOOKS FROM FAMILY/FRIENDS VIA ONLINE RETAILERS (DO NOT KNOW WHAT THE CONTENT OF BOOKS ARE)

1. PRISONER'S NAME: MAUNING, BRADLEY E (SERVIC. NO./SSN: 445 98724) DEPT. OF MIL. SERVICE: ARMY SIGNATURE: [Signature] PRISONER'S NO.: 22

ACTION et de l'homme et du -outre- : il ne s'agit pas d'un...

9. INTERVIEW WAS

**AUTHORIZE**

NO AUTHORIZED COPY IS TO BE REPRODUCED

1. DELTA "MAG"

[illegible]1.  $\frac{1}{T} \in \mathbb{R}^n$   $\mathbb{R}^n \times \mathbb{R}^n$ 

1. INTERVIEW WAS HELD WITH: Mr. J. Edgar Hoover

1. DATT 1" 16/05/11

Gyset Blenis

2010 1214

12 REMARKS sub was instructed to contact his family and get the book information then re-submit his request with the name of sender, book title, title & author & commercial vendor that it will be sent through.

1. NAME AND GRADE OF CONFINEMENT OFFICER: *Walter*

14 SIGNATURE OF CONFINEMENT OFFICER:

Gyftz Blenis

# REQUEST FOR INTERVIEW

(Free, Five, 40' Statement, or best before continuing form)

1 TO	2 DATE <del>MM/DD</del> <b>20101121</b>	
Confines Office		
REQUEST THAT I BE AUTHORIZED AN INTERVIEW WITH THE PERSON NAMED BELOW		
3 NAME OR TITLE <b>POSTAL OFFICER</b>		
4 SUBJECT AND PURPOSE OF THE INTERVIEW <b>REQUEST ADDITION TO MAIL AND VISITATION LIST: GLENN GREENWALD; FRIEND, NEW YORK CITY, NY (MAIL + VISIT)</b>		
5 PRISONER NAME <del>AS</del> <b>MANNING, BRADLEY E.</b>	6 SERVICE NO/ISSN <b>445 989504</b>	7 DEPT OF MIL SERVICE <b>ARMY</b>
ACTION <del>if</del> or filled in by Confines Officer		8 SIGNATURE OF PRISONER <b>[Signature]</b>
9a INTERVIEW WAS <input checked="" type="checkbox"/> AUTHORIZED <input type="checkbox"/> NO AUTHORIZED (Show reason using Remarks)	9b DATE <del>MM/DD</del> <b>20101122</b>	
10a FORWARDED TO <del>Prison</del> <b>Prison</b> <del>and</del> <b>and</b> <del>notification printed</del>	10b DATE <del>MM/DD</del> <b>20101122</b>	
11a INTERVIEW WAS HELD WITH <del>Prison</del> <b>Prison</b> <del>and</del> <b>and</b> <del>notification printed</del>	11b DATE <del>MM/DD</del> <b>20101122</b>	
12 REMARKS <b>SEE ADDED PERSON TO LIST</b>		
13 NAME AND GRADE OF CONFINEMENT OFFICER (Printed) <b>LESLIE S. [Signature]</b>		14 SIGNATURE OF CONFINEMENT OFFICER <b>[Signature]</b>

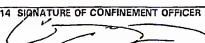
DD FORM 510, SEP 2001

PREVIOUS EDITION ~~NOV 82~~ **USE**

Author: Professional - C

# REQUEST FOR INTERVIEW

(Revol. Privacy Act Statement: no part of this document is to be released to the public)

1 TO		2 DATE (YYYYMMDD)	
Continuation of: Officer		20101115	
REQUEST THAT I BE AUTHORIZED AN INTERVIEW WITH THE PERSON NAMED BELOW			
3 NAME OF TITLE JUNIOR SERGEANT BLENIS, PROGRAM CHIEF			
4 SUBJECT AND PURPOSE OF THE INTERVIEW REQUEST RECEIPT OF PERIODICAL (MONTHLY), SCIENTIFIC AMERICAN ORDERED 201009			
5 PRISONER'S NAME (Last, First, Middle, Initial)		6 SERVICE NO./SSN	7 DEPT. OF MIL. SERVICE
MANNING, BRADLEY E		445 98 9504	ARMY
ACTION (To be filled in by)		8 SIGNATURE OF PRISONER	
a. Confined Officer		b. Confined Officer	
9a. INTERVIEW WAS		b. DATE (YYYYMMDD)	
<input type="checkbox"/> AUTHORIZED <input type="checkbox"/> NOT AUTHORIZED (Show reasons under Remarks)			
10a. FORWARDED TO (Name, Grade, and Organization, printed)		b. DATE (YYYYMMDD)	
11a. INTERVIEW WAS HELD WITH (Name, Grade, and Organization, printed)		b. DATE (YYYYMMDD)	
CYSgt Blenis		20101116	
12. REMARKS said was authorized to receive the requested magazine, by order of the brig CIC.			
13 NAME AND GRADE OF CONFINEMENT OFFICER (Printed)		14 SIGNATURE OF CONFINEMENT OFFICER	
CYSgt Blenis			

DD FORM 510, SEP 2001

PREVIOUS EDITION MAY BE USED

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# REQUEST FOR INTERVIEW

(Use Privilege Act Submission on Inmate before completing form.)

1 TO Confinement Officer		2 DATE (YYYYMMDD) 20101109	
REQUEST THAT I BE AUTHORIZED AN INTERVIEW WITH THE PERSON NAMED BELOW			
3 NAME & TITLE MASTER SERGEANT PAPAKIE OR GUNNER SERGEANT BENIS			
4 SUBJECT AND PURPOSE OF THE INTERVIEW REQUEST DISCUSSION REGARDING RECORDING/MONITORING OF PRIVILEGED COMMUNICATIONS AND COMMAND CONDUCT			
5 PRISONER'S NAME (Last, First, Middle Initial) MANNING, BRADLEY E		6 SERVICE NO/ISSN 445 98 9504	7 DEPT. OF MIL SERVICE ARMY
8 SIGNATURE OF PRISONER <i>[Signature]</i>		9 ACTION (To be filled in by Confinement Officer)	
9a. ii INTERVIEW WAS <input checked="" type="checkbox"/> AUTHORIZED <input type="checkbox"/> NOT AUTHORIZED (Show reasons under Remarks.)		10. DATE (YYYYMMDD) 20101112	
11a IN INTERVIEW WAS HELD WITH (Name, Grade, and Organization, printed) Gysst Benis		12. DATE (YYYYMMDD) 20101112	
13 REMARKS Sgt was informed of the command visit policy that any Sgt or officer from his parent command may conduct a command visit, Sgt was informed that legal visits are not monitored within this facility by anyone.			
13 NAME AND GRADE OF CONFINEMENT OFFICER (Printed) Gysst Benis		14 SIGNATURE OF CONFINEMENT OFFICER <i>[Signature]</i>	

DC FORM: 510, SEP 2001

PREVIOUS EDITION MAY BE USED

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# REQUEST FOR INTERVIEW

(Form 510) (Rev. 10-1-80) (Do not fill in until after interview is completed.)

1 TO Confineement Officer		12 DATE (YYYYMMDD) 20101112	
REQUEST THAT I BE AUTHORIZED AN INTERVIEW WITH THE PERSON NAMED BELOW			
3 NAME OR TITLE GUNNERY SERGEANT BLENS, PROGRAMS CHIEF			
4 SUBJECT AND PURPOSE OF THE INTERVIEW REQUEST PAY INQUIRY, INCLUDING COMB OF LES			
5 PRISONER'S NAME (Last, First, Middle Initial) MANNING, BRADLEY E.		6 SERVICE NO./SSN 445 93 9504	7 DEPT OF MIL SERVICE ARMY
		8 SIGNATURE OF PRISONER 	
ACTION (To be filled in by Confinement Officer)			
9a INTERVIEW WAS <input type="checkbox"/> AUTHORIZED <input type="checkbox"/> NOT AUTHORIZED (Show reasons under Remarks)		b DATE (YYYYMMDD)	
10a FORWARDED TO (Name, Grade, and Organization, printed)		b DATE (YYYYMMDD)	
11a INTERVIEW WAS HELD WITH (Name, Grade, and Organization, printed) Capt Blens		b DATE (YYYYMMDD) 20101112	
12 REMARKS sub was informed that his LES needs to be provided via front command. sub's command was notified of this request by Capt Blens			
13. NAME AND GRADE OF CONFINEMENT OFFICER (Printed) Capt Blens		14. SIGNATURE OF CONFINEMENT OFFICER 	

DD FORM 510, SEP 2001

PREVIOUS EDITION MAY BE USED

Adobe Professional 7.0

# REQUEST FOR INTERVIEW

(Read Privacy Act Statement on back before completing form.)

1. TO: Confinement Officer		2. DATE (YYYYMMDD) 20100807	
REQUEST THAT I BE AUTHORIZED AN INTERVIEW WITH THE PERSON NAMED BELOW			
3. NAME OR TITLE STAFF SERGEANT JORDAN, ARMY LIASONS			
4. SUBJECT AND PURPOSE OF THE INTERVIEW DISPOSITION AND ACCESSIBILITY OF ATTORNEY DELIVERED FOLDER FROM MAJOR HORLEY (20100806)			
5. PRISONER'S NAME (Last, First, Middle Initial) MANNINO, BRADLEY E		6. SERVICE NO./SSN 145 88424	7. DEPT OF MIL SERVICE ARMY
8. SIGNATURE OF PRISONER [Signature]		ACTION (To be filled in by Confinement Officer)	
9a. INTERVIEW WAS <input checked="" type="checkbox"/> AUTHORIZED <input type="checkbox"/> NOT AUTHORIZED (Show reasons under Remarks)		b. DATE (YYYYMMDD)	
10a. FORWARDED TO (Name, Grade, and Organization, printed)		b. DATE (YYYYMMDD)	
11a. INTERVIEW WAS HELD WITH (Name, Grade, and Organization, printed) Jordan, Ryan E-4		b. DATE (YYYYMMDD) 20100807	
12. REMARKS SNO was informed that the folder was this all over due to the fact that it was not privileged documents. All men			
13. NAME AND GRADE OF CONFINEMENT OFFICER (Printed) Jordan, Ryan E-4		14. SIGNATURE OF CONFINEMENT OFFICER [Signature]	

and I refer work need to line through the men

DD FORM 510, SEP 2001

PREVIOUS EDITION MAY BE USED

Adobe Professional 7.0

DATE

19 AUG 10

CONFINEE NAME

PRC MANNINGB

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		<input checked="" type="checkbox"/>
If so, have you requested care at all?		
[If no, inform Brig personnel and instruct Soldier how to request care.]		
If so, was the medical response timely?		<input checked="" type="checkbox"/>
Do you have any dental needs?		<input checked="" type="checkbox"/>
If so, have you requested care?		
[If no, inform Brig personnel and instruct Soldier how to request care.]		
If so, was the medical response timely?		
Have you been visited by your unit?	<input checked="" type="checkbox"/>	
Who visited you?		
When was the last visit?		
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>	
Who visited you?		
When was the last visit?		
[If no, ask if the inmates wants a Chaplain visit or declines it.]		
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>	
[If no, explain process to inmate]		
Are you getting clean garments in return?	<input checked="" type="checkbox"/>	
How many changes of uniform do you have?		
Are you getting showers?	<input checked="" type="checkbox"/>	
Did you have soap?	<input checked="" type="checkbox"/>	
Did you have shaving gear?	<input checked="" type="checkbox"/>	
Did you have a towel?	<input checked="" type="checkbox"/>	
[If no to any of the above, explain why and notify Brig personnel]		
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>	
How long each day?		
[If no, explain why and notify Brig personnel.]		
Do you have telephone access?		<input checked="" type="checkbox"/>
Have you made any calls?		<input checked="" type="checkbox"/>
How many calls have you made?		
[If no, explain the procedure if the inmate wants to make a call.]		
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>	
[If no, explain process and set-up an app? if necessary.]		
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>	
Have you visited your defense attorney?	<input checked="" type="checkbox"/>	
If so, was the visit on-post?	<input checked="" type="checkbox"/>	
When was your last defense attorney visit?		

NO CARE FOR YEAR

NO RECORD OF NAME  
LAST WEEK - not

20 MIN

IN PRISON

not one week and half ago

DATE

19 AUG 10

CONFINEE NAME

PFC MANHATTAN

	YES	NO
Do you have access to the Brig Library?		<input checked="" type="checkbox"/>
Are reading materials offered to you at your cell?		<input checked="" type="checkbox"/>
[If no, explain availability and procedure]		
Are you being fed every day?	<input checked="" type="checkbox"/>	
How many times a day?	<input checked="" type="checkbox"/>	
Are you being fed "hot" meals?	<input checked="" type="checkbox"/>	
[Note any missed meals or "cold" meals and why]		
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	
If so, who?	<input checked="" type="checkbox"/>	AUNT DORIS L. KATZ
When was the last visit?		
Do you have any visitation issues?		
[If so, explain policy and report to Bng personnel]		
If the inmate is on Suicide Watch or Injury Prevention:		LEVEL = MAX
[Record what level of suicide watch - Suicide Watch or Injury Prevention]		
How long have you been on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	SINCE ADMITTANCE
Do you understand why you are on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	SUNDAY ISAVIG
When was the last time you saw a doctor/therapist/counselor?		BRIG
If so, was that visit on-post or at the Quantico Base Brig?		
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	
Do you get the medication on time?	<input checked="" type="checkbox"/>	
[If no, explain why and notify Bng personnel, doctor, and unit]		
Since my last visit, how have you been treated by the guards?		VERY PROFESSIONALLY
Since my last visit, how have you been treated by the facility?		VERY PROFESSIONALLY
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it?		<input checked="" type="checkbox"/>
What for?		
Where you notified of the results of your grievance?		NA
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		No sure yet

Inmate Name (PRINT) \_\_\_\_\_

Interviewer Name: 156-Williams

Inmate's Signature: \_\_\_\_\_

Interviewer Signature: B. Williams

Date \_\_\_\_\_ Time \_\_\_\_\_

\*\* Original Completed Sheets will be kept on file by Commander.  
\*\* Provide a copy to the inmate's Trial Counsel

### CONJUGATE VISITATIONS

Complete the violations with an appropriate action based on the type of consumer and intent of the person or business. Original with no maintenance in the complaint 'copy and' or retained by the blog

FIGURE 1. NAME

0706 - ADD DIST. 091104

112.4-

PFC MANNING

HHC, USAF  
(203) 696-3409

19 AUG 10

REQUIS: MAN. P. PRISONINGTAME:

N/A

### COMMAND ACTIONS.

N/A

COUNSELOR'S FOLLOW-UP IF NEEDED

COMMON REPRESENTATIVE: (PRINT)

ISG BRUCE WELLSAMS

PRISONER/DETAINEE SIGNATURE

INMATE SIGNATURE

DATE

26 Aug 2010

CONFINEE NAME

FFC Manning

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
<i>[If no, inform Bng personnel and instruct Soldier how to request care.]</i>			
If so, was the medical response timely?			
Do you have any dental needs?		<input checked="" type="checkbox"/>	N/A Cat 4
If so, have you requested care?			
<i>[If no, inform Bng personnel and instruct Soldier how to request care.]</i>			
If so, was the medical response timely?			N/A
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			1st CSgt CoCMB
When was the last visit?			Last week
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			Chaplain
When was the last visit?		<input checked="" type="checkbox"/>	Once a week Tuesday
<i>[If no, ask if the inmates wants a Chaplain visit or declines it.]</i>			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
<i>[If no, explain process to inmate.]</i>			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?			3
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
<i>[If no to any of the above, explain why and notify Bng personnel.]</i>			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			20 min
<i>[If no, explain why and notify Bng personnel.]</i>			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?		<input checked="" type="checkbox"/>	for attorney
How many calls have you made?			
<i>[If no, explain the procedure if the inmate wants to make a call.]</i>			
Do you have telephonic access to your defense attorney?			Collect
<i>[If no, explain process and set-up an appt if necessary.]</i>			has not visited
Has your defense attorney visited you here?			Defense has visited
Have you visited your defense attorney?			
If so, was the visit on-post?			
When was your last defense attorney visit?			

DATE 26 Aug 2010CONFINEE NAME PFC Manning

	YES	NO	
Do you have access to the Brig Library?	X		Some access
Are reading materials offered to you at your cell? [If no, explain availability and procedure.]	X		
Are you being fed every day?	X		
How many times a day?			23 times week 2 weekend
Are you being fed "hot" meals?	X		
[Note any missed meals or "cold" meals and why.]			
Have you had any visitors other than the chain of command?	X		
If so, who?			family
When was the last visit?			last weekend
Do you have any visitation issues? [If so, explain policy and report to Brig personnel.]		X	
If the inmate is on Suicide Watch or Injury Prevention: [Record what level of suicide watch -- Suicide Watch or Injury Prevention]	X		LEVEL = MAX prevention of injury
How long have you been on Suicide Watch or Injury Prevention?			
Do you understand why you are on Suicide Watch or Injury Prevention?			
When was the last time you saw a doctor/therapist/counselor?			last night
If so, was that visit on-post or at the Quantico Base Brig?	X		
Are you getting any prescription medications you need?	X		
Do you get them in the doses prescribed?	X		
Do you get the medication on time?	X		
[If no, explain why and notify Brig personnel, doctor, and unit.]			
Since my last visit, how have you been treated by the guards?			Very professionally
Since my last visit, how have you been treated by the facility?			Very professionally No issues
Do you understand the Inmate Grievance Procedure?	X		
Did you get an in-brief by the staff?	X		
Did you receive the Inmate Handbook?	X		
Have you had to use it?		X	
What for?			
Where you notified of the results of your grievance?			
Who notified you?			
How long did that take?			
Do you have any needs we can take care of?			
			Disposition of Belongings

Inmate Name (PRINT) MANNING, BRADLEY E.Interviewer Name: LT Amy VarnerInmate's Signature [Signature]Interviewer Signature [Signature]Date: 26 AUG 10 Time: 1040

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel



Continuation of DA Form 100-1 (Rev. 1-79)

Complete the following form and forward to appropriate action based on the information and actions to be taken. If no action is required, return with no information to the command. This will be returned to the RSN.

PRESENTER NAME

DATE AND DES. PRIOR

TO :

PFC Mannings

HHC USAG

26 AUG 10

RECEIVED WITH PRESENTER NAME

13/A

COMMAND ACTION

N/A

COUNSELOR'S FOLLOW-UP IF NEEDED

COMMAND REPRESENTATIVE (PRINT)

PRESENTER NAME SIGNATURE

1SG BRUCE WILLIAMS

Page 6 of 87

DATE:

10 SEP 10

CONFINEE NAME

PFC-MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
<b>Do you have any medical conditions?</b>		✓
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
<b>Do you have any dental needs?</b>		
If so, have you requested care?	✓	
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
<b>Have you been visited by your unit?</b>	X	
Who visited you?		1st Lt. VANDER - 1SG WILLIAMS
When was the last visit?		26 Aug-10
<b>Have you been visited by a Chaplain?</b>	✓	
Who visited you?	✓	1st Lt. G. P. P. O.
When was the last visit?		
(If no, ask if the inmates wants a Chaplain visit or declines it.)		
<b>Are you putting your uniforms and other clothing out for cleaning?</b>	✓	
(If no, explain process to inmate)		
<b>Are you getting clean garments in return?</b>	✓	
How many changes of uniform do you have?		13 changes
<b>Are you getting showers?</b>		
Did you have soap?	✓	
Did you have shaving gear?	✓	
Did you have a towel?	✓	
(If no to any of the above, explain why and notify Brig personnel.)		
<b>Are you being offered recreation time each day?</b>	✓	
How long each day?		
(If no, explain why and notify Brig personnel.)		
<b>Do you have telephone access?</b>		
Have you made any calls?	✓	
How many calls have you made?		0
(If no, explain the procedure if the inmate wants to make a call.)		
<b>Do you have telephonic access to your defense attorney?</b>	✓	
(If no, explain process and set-up an app't if necessary.)		
Has your defense attorney visited you here?	✓	
Have you visited your defense attorney?	✓	
If so, was the visit on-post?		
When was your last defense attorney visit?		12 JAN 10 MR. COOK CONVICTION LAST WEEK

DATE: 10 SEP 10CONFINEE NAME PFC. MANNING

	YES	NO
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)		
Are you being fed every day?		
How many times a day?	<input checked="" type="checkbox"/>	
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>	
Have you had any visitors other than the chain of command?		
If so, who?		Not cell. Prison 2 week
When was the last visit?		
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)		
If the inmate is on Suicide Watch or Injury Prevention:		LEVEL = <u>INJURY PREVENTION</u>
(Record what level of suicide watch - Suicide Watch or Injury Prevention)		
How long have you been on Suicide Watch or Injury Prevention?		
Do you understand why you are on Suicide Watch or Injury Prevention?		<input checked="" type="checkbox"/>
When was the last time you saw a doctor/therapist/counselor?		NOT AWAKE AT WITH 30 MINUTES APT 10 SEPT 10
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	
Are you getting any prescription medications you need?		
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	<input checked="" type="checkbox"/>	
Since my last visit, how have you been treated by the guards?		STILL PROFESSIONAL
Since my last visit, how have you been treated by the facility?		STILL PROFESSIONAL
Do you understand the Inmate Grievance Procedure?		
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it? What for?	<input checked="" type="checkbox"/>	PREVALENCE CORRESPONDENCE
Where you notified of the results of your grievance?	<input checked="" type="checkbox"/>	
Who notified you?		CAL JOHNSON PRISON OFFICER
How long did that take?		20 MINS
Do you have any needs we can take care of?		<input checked="" type="checkbox"/>
<u>WE'VE HAVE CLASS M'S AND NEW MANS MEDALS FOR UNIFORM, SHOES FOR B'S &amp; SODS PACKAGES</u> <u>TO BAGS. 20 CARDS IS HERE EXP OCT 2011 T-SHIRT'S UNDERWEAR SOCKS.</u>		

Inmate Name (PRINT): MANNING, BRADLEY E.Interviewer Name: BRUCE WILLEMS 1SG-Inmate's Signature: [Signature]Interviewer Signature: [Signature]Date: 10 SEP 10 Time: 1120

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

0000, 01 In addition, the old system is still being used by the majority of the population. The new system will be introduced in the near future.

1.2

10 Sep 10

by the  $\mathbb{Z}_2$ -action  $\tau$  on  $\mathbb{R}^n$  and  $\mathbb{R}^m$  respectively.

**CONMAR, ACTION:**

2/1A

COUNSELOR, FOLLOW-UP &amp; REVIEW:

[illegible]

Wang, B. Z., K. H. J. and J. H. J. 1999. *Journal of the Chinese Society of Oceanography* 19: 1-10.

MSG BRUCE WILLIAMS

2-5

DATE

17 SEP 10

CONFINEE NAME:

PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		✓	
If so, have you requested care at all?			
(If no, inform Bng personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?			
Do you have any dental needs?		✓	
If so, have you requested care?			MIA/R-a
(If no, inform Bng personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?			
Have you been visited by your unit?	✓		
Who visited you?			1SG WELLS
When was the last visit?			10 SEP 10
Have you been visited by a Chaplain?	✓		
Who visited you?			NAME NOT EASY to Remember
When was the last visit?			10 SEP 10
(If no, ask if the inmates wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	✓		
(If no, explain process to inmate)			
Are you getting clean garments in return?	✓		
How many changes of uniform do you have?			THREE
Are you getting showers?	✓		
Did you have soap?	✓		
Did you have shaving gear?	✓		
Did you have a towel?	✓		
(If no to any of the above, explain why and notify Bng personnel.)			
Are you being offered recreation time each day?	✓		
How long each day?			20 MIN
(If no, explain why and notify Bng personnel.)			
Do you have telephone access?	✓		
Have you made any calls?		✓	
How many calls have you made?			
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	✓		
(If no, explain process and set-up an appt if necessary.)			
Has your defense attorney visited you here?	✓		
Have you visited your defense attorney?		✓	NOT RECENTLY
If so, was the visit on-post?			
When was your last defense attorney visit?			

DATE 17 SEP 17CONFINEE NAME PFC MANNING

	YES	NO	
Do you have access to the Brig Library?	✓		
Are reading materials offered to you at your cell? <i>(If no, explain availability and procedure)</i>	✓		
Are you being fed every day?	✓		
How many times a day?			THREE
Are you being fed "hot" meals? <i>(Note any missed meals or "cold" meals and why)</i>	✓		
Have you had any visitors other than the chain of command?	✓		
If so, who?			FAMILY
When was the last visit?		✓	LAST WEEK END
Do you have any visitation issues? <i>(If so, explain policy and report to Brig personnel)</i>			
If the inmate is on Suicide Watch or Injury Prevention: <i>(Record what level of suicide watch - Suicide Watch or Injury Prevention)</i>	✓		LEVEL = <u>MODERATE</u>
How long have you been on Suicide Watch or Injury Prevention?		✓	SINCE ARRIVAL
Do you understand why you are on Suicide Watch or Injury Prevention?			
When was the last time you saw a doctor/therapist/counselor?			0946
If so, was that visit on-post or at the Quantico Base Bng?			QUANTICO BASE BNG
Are you getting any prescription medications you need?	✓		
Do you get them in the doses prescribed?	✓		
Do you get the medication on time? <i>(If no, explain why and notify Bng personnel, doctor, and unit.)</i>	✓		
Since my last visit, how have you been treated by the guards?			PROFESSIONALLY
Since my last visit, how have you been treated by the facility?			PROFESSIONALLY
Do you understand the Inmate Grievance Procedure?	✓		
Did you get an in-brief by the staff?	✓		
Did you receive the Inmate Handbook?	✓		
Have you had to use it? What for?		✓	NOT SINCE LAST VISIT
Where you notified of the results of your grievance?			
Who notified you?			
How long did that take?			
Do you have any needs we can take care of?		✓	

Inmate Name (PRINT) MANNING BRADLEYInterviewer Name: 1SG BRUCE WILKINSInmate's Signature: [Signature]Interviewer Signature: [Signature]Date: 16 SEP 17 Time: 1000

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the Inmate's Trial Counsel



DATE: 23 Sep 10CONFINEE NAME: PFC. MANDAWAKMARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		<input checked="" type="checkbox"/>
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Do you have any dental needs?	<input checked="" type="checkbox"/>	
If so, have you requested care?	<input checked="" type="checkbox"/>	
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?	<input checked="" type="checkbox"/>	
Who visited you?		1st Lt. W. H. Brown S
When was the last visit?		17 Sep 10
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>	
Who visited you?		1st Lt. ROBERT HALL
When was the last visit?		20 Sep
(If no, ask if the inmates wants a Chaplain visit or declines it.)		
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>	
(If no, explain process to inmate)		
Are you getting clean garments in return?	<input checked="" type="checkbox"/>	
How many changes of uniform do you have?	<input checked="" type="checkbox"/>	
Are you getting showers?	<input checked="" type="checkbox"/>	
Did you have soap?	<input checked="" type="checkbox"/>	
Did you have shaving gear?	<input checked="" type="checkbox"/>	
Did you have a towel?	<input checked="" type="checkbox"/>	
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>	
How long each day?		20 min
(If no, explain why and notify Brig personnel.)		
Do you have telephone access?	<input checked="" type="checkbox"/>	
Have you made any calls?		<input checked="" type="checkbox"/>
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call.)		
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>	
(If no, explain process and set-up an app't if necessary.)		
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>	
Have you visited your defense attorney?		<input checked="" type="checkbox"/>
If so, was the visit on-post?		
When was your last defense attorney visit?		MONDAY 20 SEP 10



DATE: 23 SEP 10CONFINEE NAME: PFC MANNING

	YES	NO
Do you have access to the Brig Library?	✓	✓
Are reading materials offered to you at your cell? [If no, explain availability and procedure.]		
Are you being fed every day?	✓	
How many times a day?	✓	3 MEALS
Are you being fed "hot" meals? [Note any missed meals or "cold" meals and why.]	✓	
Have you had any visitors other than the chain of command? If so, who?	✓	
When was the last visit?		FAMILY 1400 HRS SAT SUN 17/19 SEP
Do you have any visitation issues? [If so, explain policy and report to Brig personnel.]		✓
If the Inmate is on Suicide Watch or Injury Prevention: [Record what level of suicide watch - Suicide Watch or Injury Prevention]	✓	LEVEL = <u>INJURY</u>
How long have you been on Suicide Watch or Injury Prevention?		SINCE ARRIVAL
Do you understand why you are on Suicide Watch or Injury Prevention?		✓
When was the last time you saw a doctor/therapist/counselor?	✓	22 SEP 10
If so, was that visit on-post or at the Quantico Base Brig?	✓	
Are you getting any prescription medications you need?	✓	
Do you get them in the doses prescribed?	✓	
Do you get the medication on time? [If no, explain why and notify Brig personnel, doctor, and unit.]	✓	
Since my last visit, how have you been treated by the guards?		PROFESSIONAL
Since my last visit, how have you been treated by the facility?		PROFESSIONAL
Do you understand the Inmate Grievance Procedure?	✓	
Did you get an in-brief by the staff?	✓	
Did you receive the inmate Handbook?	✓	
Have you had to use it? What for?		✓
Where you notified of the results of your grievance? Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		✓

Inmate Name (PRINT): PFC MANNING, BRADLEYInterviewer Name: 1SG BRUCE WILLIAMSInmate's Signature: [Signature]Interviewer Signature: [Signature]Date: 23 SEP 10 Time: 0845

\*\* Original Completed Sheets will be kept on file by Commander.  
 \*\* Provide a copy to the inmate's Trial Counsel

2

DATE

30 SEP 60

CONFINEE NAME:

J. K. MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		✓	
If so, have you requested care at all?			
[If no, inform Brig personnel and instruct Soldier how to request care]			
If so, was the medical response timely?		✓	
Do you have any dental needs?		✓	
If so, have you requested care?			
[If no, inform Brig personnel and instruct Soldier how to request care]			
If so, was the medical response timely?			
Have you been visited by your unit?	✓		1st Lt. Williams 28 SEP 60
Who visited you?			
When was the last visit?			
Have you been visited by a Chaplain?	✓		1st Lt. Rosenthal 16 DAY 2:30
Who visited you?			
When was the last visit?			
[If no, ask if the inmates wants a Chaplain visit or declines it.]			
Are you putting your uniforms and other clothing out for cleaning?	✓		
[If no, explain process to inmate]			
Are you getting clean garments in return?	✓		
How many changes of uniform do you have?			3 changes
Are you getting showers?	✓		
Did you have soap?	✓		
Did you have shaving gear?	✓		
Did you have a towel?	✓		
[If no to any of the above, explain why and notify Brig personnel.]			
Are you being offered recreation time each day?			
How long each day?			1st Lt. Rosenthal 28 SEP 60
[If no, explain why and notify Brig personnel.]			
Do you have telephone access?	✓		
Have you made any calls?		✓	
How many calls have you made?			
[If no, explain the procedure if the inmate wants to make a call.]			
Do you have telephonic access to your defense attorney?	✓		
[If no, explain process and set-up an app't if necessary.]			
Has your defense attorney visited you here?	✓		
Have you visited your defense attorney?		✓	
If so, was the visit on-post?			
When was your last defense attorney visit?			ABOUT 2 WEEKS AGO

DATE

30 Sep 10

CONFINEE NAME:

PFC MANNING

	YES	NO	
Do you have access to the Brig Library?	✓		
Are reading materials offered to you at your cell?	✓		
(If no, explain availability and procedure.)			
Are you being fed every day?	✓		
How many times a day?			3 MEALS
Are you being fed "hot" meals?	✓		
(Note any missed meals or "cold" meals and why.)			
Have you had any visitors other than the chain of command?	✓		
If so, who?			HUNT
When was the last visit?			SATURDAY 26 SEP 10
Do you have any visitation issues?		✓	
(If so, explain policy and report to Bng personnel.)			
If the inmate is on Suicide Watch or Injury Prevention:			LEVEL = <del>INJURY</del>
(Record what level of suicide watch -- Suicide Watch or Injury Prevention)			
How long have you been on Suicide Watch or Injury Prevention?			
Do you understand why you are on Suicide Watch or Injury Prevention?		✓	
When was the last time you saw a doctor/therapist/counselor?			FRIDAY 24 SEP 10
If so, was that visit on-post or at the Quantico Base Bng?	✓		
Are you getting any prescription medications you need?	✓		
Do you get them in the doses prescribed?	✓		
Do you get the medication on time?	✓		
(If no, explain why and notify Bng personnel, doctor, and unit.)			
Since my last visit, how have you been treated by the guards?			EXCELLENT
Since my last visit, how have you been treated by the facility?			VERY PROFESSIONAL
Do you understand the Inmate Grievance Procedure?	✓		
Did you get an in-brief by the staff?	✓		
Did you receive the Inmate Handbook?	✓		
Have you had to use it?		✓	
What for?			
Where you notified of the results of your grievance?			
Who notified you?			
How long did that take?			
Do you have any needs we can take care of?		✓	

Inmate Name (PRINT):

MANNING BRADLEY

Interviewer Name:

1SG Bruce Williams

Inmate's Signature:

[Signature]

Interviewer Signature:

[Signature]

Date: 30 SEP 10

Time: 1000

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

# COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MAURIZIO	HHC USAG 703-696-3449	30 SEP 10
REQUEST MADE BY PRISONER/DETAINEE		
J/A		
COMMAND ACTIONS		
J/A		
COUNSELOR'S FOLLOW-UP IF NEEDED.		
J/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE	
1SG BRUCE WILLIAMS	[Signature]	

DATE:

7 OCT 10

CONFINEE NAME:

PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		✓	
If so, have you requested care at all?			
(If no, inform Bng personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?		✓	
Do you have any dental needs?		✓	
If so, have you requested care?			
(If no, inform Bng personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?	✓		
Have you been visited by your unit?	✓		136 WILLIAMS
Who visited you?			
When was the last visit?	✓		
Have you been visited by a Chaplain?	✓		
Who visited you?			LT ROSENTHAL
When was the last visit?			Tues 6 OCT 10
(If no, ask if the inmates wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	✓		
(If no, explain process to inmate)			
Are you getting clean garments in return?	✓		
How many changes of uniform do you have?	✓		3 changes
Are you getting showers?	✓		
Did you have soap?	✓		
Did you have shaving gear?	✓		
Did you have a towel?	✓		
(If no to any of the above, explain why and notify Bng personnel.)			
Are you being offered recreation time each day?	✓		
How long each day?			20 min
(If no, explain why and notify Bng personnel.)			
Do you have telephone access?	✓		
Have you made any calls?		✓	
How many calls have you made?			
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	✓		
(If no, explain process and set-up an appt if necessary.)			
Has your defense attorney visited you here?			Not recently
Have you visited your defense attorney?			
If so, was the visit on-post?			
When was your last defense attorney visit?			

DATE

7 OCT 10

CONFINEE NAME:

PFC MANNING

	YES	NO	
Do you have access to the Brig Library?	✓		
Are reading materials offered to you at your cell?	✓		
(If no, explain availability and procedure.)			
Are you being fed every day?	✓		
How many times a day?			3 meals
Are you being fed "hot" meals?	✓		
(Note any missed meals or "cold" meals and why.)			
Have you had any visitors other than the chain of command?		✓	
If so, who?			
When was the last visit?			
Do you have any visitation issues?			
(If so, explain policy and report to Brig personnel.)			
If the inmate is on Suicide Watch or Injury Prevention:			LEVEL = <u>INJURY</u>
(Record what level of suicide watch - Suicide Watch or Injury Prevention)			
How long have you been on Suicide Watch or Injury Prevention?			SAME ENTRANCE TO THE BRIG
Do you understand why you are on Suicide Watch or Injury Prevention?	✓		
When was the last time you saw a doctor/therapist/counselor?			FRIDAY 1 OCT 10
If so, was that visit on-post or at the Quantico Base Brig?			QUANTICO
Are you getting any prescription medications you need?	✓		
Do you get them in the doses prescribed?	✓		
Do you get the medication on time?	✓		
(If no, explain why and notify Brig personnel, doctor, and unit.)			
Since my last visit, how have you been treated by the guards?			FINE
Since my last visit, how have you been treated by the facility?			SAME FINE
Do you understand the Inmate Grievance Procedure?	✓		
Did you get an in-brief by the staff?	✓		
Did you receive the Inmate Handbook?	✓		
Have you had to use it?		✓	
What for?			
Where you notified of the results of your grievance?			
Who notified you?			
How long did that take?			
Do you have any needs we can take care of?		✓	NOT AT THIS TIME

Inmate Name (PRINT)

MANNING, BRADLEY

Interviewer Name:

1SG BRUCE WILLIAMS

Inmate's Signature:

[Signature]

Interviewer Signature:

[Signature]

Date

7 OCT 10

Time


0930

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

# COMMAND VISITATION

Complete the visitation form and forward it to appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	HHC USAR 203-696-3409	7 OCT 10
REQUEST MADE BY PRISONER/DETAINEE		
N/A		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED.		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE	
1SG BRUCE WILLIAMS		

DATE: 15 OCT 11

CONFINEE NAME PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
<i>[If no, inform Brig personnel and instruct Soldier how to request care]</i>			
If so, was the medical response timely?			
Do you have any dental needs?		<input checked="" type="checkbox"/>	
If so, have you requested care?			
<i>[If no, inform Brig personnel and instruct Soldier how to request care]</i>			
If so, was the medical response timely?			
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			1st Lt. W. L. B. &
When was the last visit?			7 Oct 11
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			61 100th Aerial
When was the last visit?			14 Oct 11
<i>[If no, ask if the inmates wants a Chaplain visit or declines it]</i>			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
<i>[If no, explain process to inmate]</i>			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?	<input checked="" type="checkbox"/>		THREE CHANGES
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
<i>[If no to any of the above, explain why and notify Brig personnel.]</i>			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			20 MIN
<i>[If no, explain why and notify Brig personnel]</i>			
Do you have telephone access?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you made any calls?			
How many calls have you made?			
<i>[If no, explain the procedure if the inmate wants to make a call]</i>			
Do you have telephonic access to your defense attorney?			
<i>[If no, explain process and set-up an app't if necessary.]</i>			Sometimes H.R.
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		ABOUT 1 week and A HALF
Have you visited your defense attorney?	<input checked="" type="checkbox"/>		
If so, was the visit on-post?			
When was your last defense attorney visit?			

12X10-1400 TUESDAYS + FRIDAY

DAVID COMES &amp; SHOULD CALL POST COMMANDERS NOT ALWAYS DIRECT

IN APT. FROM ATTORNEY REMAINS A COUNSELOR. IT'S NOT ON DUTY. OVER.



DATE

15 OCT 10

CONFINEE NAME:

PFC MANNING

	YES	NO	
Do you have access to the Brig Library?	✓		
Are reading materials offered to you at your cell?	✓		
<i>[If no, explain availability and procedure]</i>			
Are you being fed every day?	✓		
How many times a day?			3 TIMES
Are you being fed "hot" meals?	✓		
<i>[Note any missed meals or "cold" meals and why.]</i>			
Have you had any visitors other than the chain of command?	✓		
If so, who?	✓		<del>BY VISITORS</del> FRIEND
When was the last visit?			10/25/10
Do you have any visitation issues?		✓	
<i>[If so, explain policy and report to Brig personnel.]</i>			
If the inmate is on Suicide Watch or Injury Prevention:			LEVEL = FAILURE
<i>[Record what level of suicide watch - Suicide Watch or Injury Prevention]</i>			
How long have you been on Suicide Watch or Injury Prevention?	✓		NEARLY PERMANENT
Do you understand why you are on Suicide Watch or Injury Prevention?	✓		THIS IS A WARNING
When was the last time you saw a doctor/therapist/counselor?	✓		
If so, was that visit on-post or at the Quantico Base Brig?	✓		
Are you getting any prescription medications you need?	✓		
Do you get them in the doses prescribed?	✓		
Do you get the medication on time?	✓		
<i>[If no, explain why and notify Brig personnel, doctor, and unit.]</i>			
Since my last visit, how have you been treated by the guards?			VERY PROFESSIONAL
Since my last visit, how have you been treated by the facility?			VERY PROFESSIONAL
Do you understand the Inmate Grievance Procedure?	✓		
Did you get an in-brief by the staff?	✓		
Did you receive the Inmate Handbook?	✓		
Have you had to use it?		✓	
<i>What for?</i>			
Where you notified of the results of your grievance?			
<i>Who notified you?</i>			
<i>How long did that take?</i>			
Do you have any needs we can take care of?			

Inmate Name (PRINT): MANNING BRADLEY

Interviewer Name: 1SG BRUCE WILLIAMS

Inmate's Signature: [Signature]

Interviewer Signature: [Signature]

Date: 15 OCT 10 Time: 1530

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the Inmate's Trial Counsel

.....  
defense ATTORNEY - Some Times Told He would get it .....  
Received, Since A month 1/2.....

# COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
JOE BARTON	103-516-3450	13 OCT 10
REQUEST MADE BY PRISONER/DETAINEE:		
N/A		
COMMAND ACTIONS		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
COMMAND REPRESENTATIVE (PRINT)		
156 BRUCE HARRISON		
PRISONER/DETAINEE SIGNATURE:		
[Signature]		

DATE

21 OCT 10

CONFINEE NAME

PFC MARINOUS

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care et al?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?		<input checked="" type="checkbox"/>	
Do you have any dental needs?		<input checked="" type="checkbox"/>	
If so, have you requested care?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?			
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			1SG WILLIAMS
When was the last visit?			
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			LT ROSENTHAL
When was the last visit?			TODAY
(If no, ask if the inmate wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
(If no, explain process to inmate)			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?			THREE
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
(If no to any of the above, explain why and notify Brig personnel.)			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			20 MIN
(If no, explain why and notify Brig personnel.)			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?		<input checked="" type="checkbox"/>	
How many calls have you made?			
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
(If no, explain process and set-up an appt if necessary.)			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		
Have you visited your defense attorney?	<input checked="" type="checkbox"/>		
If so, was the visit on-post?	<input checked="" type="checkbox"/>		
When was your last defense attorney visit?			20 OCT 10 MR. COOMBS BSC
			401-744-3007

DATE 21 OCT 10CONFINEE NAME PFC MANNING

	YES	NO
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	
Are reading materials offered to you at your cell?	<input checked="" type="checkbox"/>	
<i>[If no, explain availability and procedure]</i>		
Are you being fed every day?	<input checked="" type="checkbox"/>	
How many times a day?		Three
Are you being fed "hot" meals?	<input checked="" type="checkbox"/>	
<i>[Note any missed meals or "cold" meals and why]</i>		
Have you had any visitors other than the chain of command?		<input checked="" type="checkbox"/>
If so, who?		
When was the last visit?		
Do you have any visitation issues?		
<i>[If so, explain policy and report to Brig personnel.]</i>		
If the Inmate Is on Suicide Watch or Injury Prevention:		LEVEL = <u>INJURY</u>
<i>[Record what level of suicide watch -- Suicide Watch or Injury Prevention]</i>		
How long have you been on Suicide Watch or Injury Prevention?		STATE ENTRANCE
Do you understand why you are on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	
When was the last time you saw a doctor/therapist/counselor?	<input checked="" type="checkbox"/>	FRIDAY 15 OCT 10
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	
Do you get the medication on time?	<input checked="" type="checkbox"/>	
<i>[If no, explain why and notify Brig personnel, doctor, and unit]</i>		
Since my last visit, how have you been treated by the guards?		Professional
Since my last visit, how have you been treated by the facility?		PROFESSIONAL
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it?		<input checked="" type="checkbox"/>
What for?		
Where you notified of the results of your grievance?		
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		<input checked="" type="checkbox"/>

Inmate Name (PRINT) MANNING, BRADLEYInterviewer Name: 1SG Bruce WelliamsInmate's Signature [Signature]Interviewer Signature [Signature]Date 21 OCT 10 Time 1000

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	HHC USAF LT03) 696-3409	21 OCT 10
REQUEST MADE BY PRISONER/DETAINEE:		
N/A		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE	
1SG BRUCE WILLIAMS	[Signature]	

DATE

10/27/10

CONFINEE NAME:

MANNING, B

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?		<input checked="" type="checkbox"/>	
[If no, inform Brig personnel and instruct Soldier how to request care.]			
If so, was the medical response timely?			
Do you have any dental needs?		<input checked="" type="checkbox"/>	
If so, have you requested care?			
[If no, inform Brig personnel and instruct Soldier how to request care.]			
If so, was the medical response timely?			
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			
When was the last visit?			
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			
When was the last visit?			
[If no, ask if the Inmate wants a Chaplain visit or declines it.]			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
[If no, explain process to Inmate]			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?	<input checked="" type="checkbox"/>		
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
[If no to any of the above, explain why and notify Brig personnel.]			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			20 MIN
[If no, explain why and notify Brig personnel.]			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?		<input checked="" type="checkbox"/>	
How many calls have you made?		<input checked="" type="checkbox"/>	
[If no, explain the procedure if the Inmate wants to make a call.]			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
[If no, explain process and set-up an app't if necessary.]			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		
Have you visited your defense attorney?	<input checked="" type="checkbox"/>		
If so, was the visit on-post?	<input checked="" type="checkbox"/>		
When was your last defense attorney visit?			2 WEEKS AGO

CH ROSARIO  
THURSDAY 10/21/10

DATE:

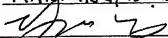
10/27/10

CONFINEE NAME: MANNING, B.

	YES	NO	
Do you have access to the Brig Library?	✓		
Are reading materials offered to you at your cell?	✓		
(If no, explain availability and procedure.)			
Are you being fed every day?	✓		
How many times a day?	3		
Are you being fed "hot" meals?	✓		
(Note any missed meals or "cold" meals and why.)			
Have you had any visitors other than the chain of command?		✓	
If so, who?			
When was the last visit?			
Do you have any visitation issues?			
(If so, explain policy and report to Brig personnel.)			
If the Inmate is on Suicide Watch or Injury Prevention:	✓		LEVEL = <u>INJURY</u>
(Record what level of suicide watch - Suicide Watch or Injury Prevention)			
How long have you been on Suicide Watch or Injury Prevention?	90 days		
Do you understand why you are on Suicide Watch or Injury Prevention?		✓	
When was the last time you saw a doctor/therapist/counselor?	✓		FRIDAY 10/22/10
If so, was that visit on-post or at the Quantico Base Brig?	✓		
Are you getting any prescription medications you need?	✓		
Do you get them in the doses prescribed?	✓		
Do you get the medication on time?	✓		
(If no, explain why and notify Brig personnel, doctor, and unit.)			
Since my last visit, how have you been treated by the guards?			EXCELLENT VERY PROFESSIONAL
Since my last visit, how have you been treated by the facility?			EXCELLENT VERY PROFESSIONAL
Do you understand the Inmate Grievance Procedure?	✓		
Did you get an in-brief by the staff?	✓		
Did you receive the Inmate Handbook?	✓		
Have you had to use it?		✓	
What for?			
Where you notified of the results of your grievance?			
Who notified you?			
How long did that take?			
Do you have any needs we can take care of?		✓	NOT AT THIS TIME

Inmate Name (PRINT): MANNING, Bradley E.

Inmate's Signature:



Interviewer Name:

Sgt. Jones Willie

Interviewer Signature:



Date: 10/27/10 Time: 1305 hrs

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel



DATE: 10 NOV 2010

CONFINEE NAME

PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		✓
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Do you have any dental needs?		✓
If so, have you requested care?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?	✓	
Who visited you?		2nd MW 2nd Marine
When was the last visit?		10 Nov 2010
Have you been visited by a Chaplain?	✓	
Who visited you?		LT Resenthaw / Navy
When was the last visit?		9 Nov 2010
(If no, ask if the inmate wants a Chaplain visit or declines it)		
Are you putting your uniforms and other clothing out for cleaning?	✓	
(If no, explain process to inmate)		
Are you getting clean garments in return?	✓	
How many changes of uniform do you have?	3	
Are you getting showers?	✓	
Did you have soap?	✓	
Did you have shaving gear?	✓	
Did you have a towel?	✓	
(If no to any of the above, explain why and notify Brig personnel)		
Are you being offered recreation time each day?	✓	
How long each day?	20 min	
(If no, explain why and notify Brig personnel)		
Do you have telephone access?	✓	
Have you made any calls?		
How many calls have you made?		N/A
(If no, explain the procedure if the inmate wants to make a call)		
Do you have telephone access to your defense attorney?	✓	
(If no, explain process and set-up an appt if necessary)		
Has your defense attorney visited you here?	✓	
Have you visited your defense attorney?		
If so, was the visit in-person?		
When was your last defense attorney visit?		3 weeks

DATE 10 Nov 2010CONFINEE NAME PFC Manning

	YES	NO
Do you have access to the Brig Library?		
Are reading materials offered to you at your cell?	<input checked="" type="checkbox"/>	
(If no, explain availability and procedure)		
Are you being fed every day?	<input checked="" type="checkbox"/>	
How many times a day?	<u>3</u>	
Are you being fed "hot" meals?	<input checked="" type="checkbox"/>	
(Note any missed meals or "cold" meals and why)		
Have you had any visitors other than the chain of command?		<input checked="" type="checkbox"/>
If so, who?		
When was the last visit?		
Do you have any visitation issues?		<input checked="" type="checkbox"/>
(If so, explain policy and report to Brig personnel)		
If the Inmate is on Suicide Watch or Injury Prevention:		<input checked="" type="checkbox"/>
(Record what level of suicide watch - Suicide Watch or Injury Prevention)		LEVEL = _____
How long have you been in Suicide Watch or Injury Prevention?		
Do you understand why you are on Suicide Watch or Injury Prevention?		
When was the last time you saw a doctor/therapist/counselor?		
If so, was that visit on-post or at the Quantico Base Brig?		
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	
Do you get the medication on time?	<input checked="" type="checkbox"/>	
(If no, explain why and notify Brig personnel, doctor, and unit)		
Since my last visit, how have you been treated by the guards?		<u>good</u>
Since my last visit, how have you been treated by the facility?		<u>good</u>
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it?		<input checked="" type="checkbox"/>
What for?		
Where you notified of the results of your grievance?		
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		<input checked="" type="checkbox"/>

Inmate Name (PRINT) PFC ManningInterviewer Name PO Charles WilliamsInmate's Signature: [Signature]Interviewer Signature: [Signature]Date 10 Nov 2010 Time 10:50

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

DATE: 18 NOV 10

CONFINEE NAME PFC MANUJOG

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
(If no, inform Bng personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?		<input checked="" type="checkbox"/>	
Do you have any dental needs?		<input checked="" type="checkbox"/>	
If so, have you requested care?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?	<input checked="" type="checkbox"/>		
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			CW-2 WARDMART
When was the last visit?			10 NOV 10
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			LT ROSENTHAL
When was the last visit?			18 NOV 10
(If no, ask if the inmates wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
(If no, explain process to inmate)			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?	<input checked="" type="checkbox"/>		3 uniform 1 set of sweat / more needed
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
(If no to any of the above, explain why and notify Bng personnel.)			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			20 min
(If no, explain why and notify Bng personnel.)			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?	<input checked="" type="checkbox"/>		Down THIS WEEK
How many calls have you made?	<input checked="" type="checkbox"/>		Phone have been down for a while
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
(If no, explain process and set-up an appt if necessary.)			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		SHOULD come for a visit TODAY
Have you visited your defense attorney?	<input checked="" type="checkbox"/>		
If so, was the visit on-post?	<input checked="" type="checkbox"/>		
When was your last defense attorney visit?			3 or 4 weeks AGO

DATE: 17 NOV 10

CONFINEE NAME: PFC MANNING

	YES	NO
Do you have access to the Brig Library?	✓	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	✓	
Are you being fed every day?	✓	
How many times a day?		3 TIMES
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	✓	
Have you had any visitors other than the chain of command? If so, who?	✓	
When was the last visit?		FRIDAY ON SATURDAY
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)	✓	
If the inmate is on Suicide Watch or Injury Prevention: (Record what level of suicide watch - Suicide Watch or Injury Prevention)	✓	LEVEL = INJURY PREVENTION
How long have you been on Suicide Watch or Injury Prevention?	✓	SINCE ARRIVAL.
Do you understand why you are on Suicide Watch or Injury Prevention?	✓	FRIDAY 12 NOV
When was the last time you saw a doctor/therapist/counselor?	✓	
If so, was that visit on-post or at the Quantico Base Brig?	✓	
Are you getting any prescription medications you need?	✓	
Do you get them in the doses prescribed?	✓	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	✓	
Since my last visit, how have you been treated by the guards?		ALRIGHT NO ISSUES
Since my last visit, how have you been treated by the facility?		PROFESSIONAL
Do you understand the Inmate Grievance Procedure?	✓	
Did you get an in-brief by the staff?	✓	
Did you receive the Inmate Handbook?	✓	
Have you had to use it?		✓
What for?		
Where you notified of the results of your grievance?		
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		
ONE MORE SET OF SWEATS (SMALL)		

Inmate Name (PRINT): MANNING-BRADLEY

Interviewer Name: 1SG BRICE WILLIAMS

Inmate's Signature: [Signature]

Interviewer Signature: [Signature]

Date: 18 NOV 10 Time: 1030

\*\* Original Completed Sheets will be kept on file by Commander.  
\*\* Provide a copy to the inmate's Trial Counsel

COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	4HC USA6 703-696-3409	18 NOV 2010

REQUEST MADE BY PRISONER/DETAINEE:

N/A

COMMAND ACTIONS

N/A

COUNSELOR'S FOLLOW-UP IF NEEDED:

N/A

COMMAND REPRESENTATIVE (PRINT)

136 BRUCE WILLIAMS

PRISONER/DETAINEE SIGNATURE

[Signature]

## PFC MANAGING

Do you agree? NO

NO

[illegible]

26 NOV 10

26 NOV 10  
STILL ON INJURY PREVENTION AND KNOW'S WHY. YES

YES

YES

12/1/2011 4:00 PM

1835

TUESDAY CHAPLAIN ROSENTHAL

Ass in getting Resonance Test Done 20 min

Do you have telephone number? YES, HAS NOT USED

Do you have access to the Baby Library? YES

Do you have access to Reading or Writing in English at work? YES

WPS on the last time. Space with your doctor's approval, West 24th

How was the Bay? Did it treat you good? My love. *pretty we*

how the Boys Services have changed in 1900-1950? Professional

How many marks do you get? 14, 2 do you get 18 marks? 3 marks  
Yes HOT

How good are the USF and USF's governance policies? NO

...? NO

ARE you getting PRESCRIBED MEDS + DOSES? Yes AND ON TIME

PFC MEMPHIS, BRATTLE

121

25.33.21

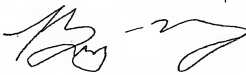
136-18400 White, aged

26 NOV 20:00

Page 35 of 87

# COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Ensure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING, Bradley	HHC USAG (703) 696-3409	26 NOV 10
REQUEST MADE BY PRISONER/DETAINEE:		
N/A		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE	
1SG Bruce Williams		

DATE: 10 DEC 16CONFINEE NAME: MANNING BRADLEYMARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions	YES	NO
Do you have any medical conditions?		<input checked="" type="checkbox"/>
If so, have you requested care at all?		<input checked="" type="checkbox"/>
(If no, Inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Do you have any dental needs?		<input checked="" type="checkbox"/>
If so, have you requested care?		
(If no, Inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?		<input checked="" type="checkbox"/>
Who visited you? <u>Sgt Jones and Sgt Richard</u>		
When was the last visit? <u>7-DM</u>		
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>	
Who visited you? <u>LT Rasnick</u>		
When was the last visit?		<u>2 DEC</u>
(If no, ask if the inmates wants a Chaplain visit or declines it.)		
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>	
(If no, explain process to inmate)		
Are you getting clean garments in return?	<input checked="" type="checkbox"/>	
How many changes of uniform do you have?	<input checked="" type="checkbox"/>	<u>4</u>
Are you getting showers?	<input checked="" type="checkbox"/>	
Did you have soap?	<input checked="" type="checkbox"/>	
Did you have shaving gear?	<input checked="" type="checkbox"/>	
Did you have a towel?	<input checked="" type="checkbox"/>	
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>	
How long each day? <u>20 MIN A DAY</u>		<u>20 MIN A DAY</u>
(If no, explain why and notify Brig personnel.)		
Do you have telephone access?	<input checked="" type="checkbox"/>	
Have you made any calls?		<input checked="" type="checkbox"/>
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call.)		
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>	
(If no, explain process and set-up an appt if necessary.)		
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Have you visited your defense attorney?		
If so, was the visit on-post?		
When was your last defense attorney visit?		<u>7 WEEKS AGO</u>



DATE: 10 DEC 10CONFINEE NAME: SFC MANNING BRADLEY

	YES	NO
Do you have access to the Brig Library?	/	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	/	
Are you being fed every day?	/	
How many times a day?	3	
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	/	
Have you had any visitors other than the chain of command? If so, who?		
When was the last visit?		
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)		
If the inmate is on Suicide Watch or Injury Prevention: (Record what level of suicide watch - Suicide Watch or Injury Prevention)	/	LEVEL 1
How long have you been on Suicide Watch or Injury Prevention?		4 MONTH
Do you understand why you are on Suicide Watch or Injury Prevention?	/	
When was the last time you saw a doctor/therapist/counselor?		
If so, was that visit on-post or at the Quantico Base Brig?		
Are you getting any prescription medications you need?	/	
Do you get them in the doses prescribed?	/	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	/	
Since my last visit, how have you been treated by the guards?		
Since my last visit, how have you been treated by the facility?		
Do you understand the Inmate Grievance Procedure? Did you get an in-brief by the staff?	/	
Did you receive the Inmate Handbook?	/	
Have you had to use it? What for?		
Where you notified of the results of your grievance? Who notified you?		
How long did that take?		
Do you have any needs we can take care of? NEED UNDERWEAR & T-SHIRTS		

Inmate Name (PRINT): SFC MANNING BRADLEYInterviewer Name: SFC JONES WILLIEInmate's Signature: [Signature]Interviewer Signature: [Signature]Date: 10 DEC 10 Time: 0940

\*\* Original Completed Sheets will be kept on file by Commander.  
 \*\* Provide a copy to the inmate's Trial Counsel

DATE:

14 DEC 10

CONFINEE NAME:

MANNING BRADLEY

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions	YES	NO
Do you have any medical conditions?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Do you have any dental needs?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
If so, have you requested care?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Who visited you?	Sgt. J. OF	SFC JONE AND SFC RICHARD
When was the last visit?		10 DEC 2010
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Who visited you?	LT ROSENTHAL (MARINE CH)	LT ROSENTHAL MARINE CH
When was the last visit?	LAST THURSDAY	EAST THURSDAY DEC 2
(If no, ask if the inmates wants a Chaplain visit or declines it.)		
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(If no, explain process to inmates)		
Are you getting clean garments in return?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
How many changes of uniform do you have?	<input checked="" type="checkbox"/>	4
Are you getting showers?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Did you have soap?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Did you have shaving gear?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Did you have a towel?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
How long each day?	1 HOUR 4 DAYS	1 HOUR 4 DAYS
(If no, explain why and notify Brig personnel.)		
Do you have telephone access?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Have you made any calls?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call.)		
Do you have telephone access to your defense attorney?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(If no, explain process and set-up an app't if necessary.)		
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Have you visited your defense attorney?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
If so, was the visit on-post?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
When was your last defense attorney visit?		12 DEC 10

DATE: 14 DEC 10CONFINEE NAME: MANNING Bradley

	YES	NO
Do you have access to the Brig Library?	/	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	/	
Are you being fed every day?	/	
How many times a day?	/	3
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	/	
Have you had any visitors other than the chain of command?	/	
If so, who?	/	6-9-10 C.D. USIN
When was the last visit?	/	11 DEC 10
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)	/	
If the Inmate is on Suicide Watch or Injury Prevention	/	LEVEL 1 MAX
(Record what level of suicide watch - Suicide Watch or Injury Prevention)	/	
How long have you been on Suicide Watch or Injury Prevention?	/	4 MONTHS
Do you understand why you are on Suicide Watch or Injury Prevention?	/	
When was the last time you saw a doctor/therapist/counselor?	/	BRIG 13 DEC 10
If so, was that visit on-post or at the Quantico Base Brig?	/	ON POST
Are you getting any prescription medications you need?	/	
Do you get them in the doses prescribed?	/	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	/	
Since my last visit, how have you been treated by the guards?	/	Good excellent
Since my last visit, how have you been treated by the facility?	/	Good excellent
Do you understand the Inmate Grievance Procedure?	/	
Did you get an in-brief by the staff?	/	
Did you receive the Inmate Handbook?	/	
Have you had to use it? What for?	/	
Where you notified of the results of your grievance?	/	
Who notified you?	/	
How long did that take?	/	
Do you have any needs we can take care of?	/	

Inmate Name (PRINT):

REC MANNING Bradley

Interviewer Name:

SFC Jones Wilkie

Inmate's Signature:

[Signature]

Interviewer Signature:

[Signature]Date: 14 DEC 10 Time: 1545

\*\* Original Completed Sheets will be kept on file by Commander.  
 \*\* Provide a copy to the Inmate's Trial Counsel

DATE:

23 DEC 10

CONFINEE NAME:

PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?		<input checked="" type="checkbox"/>	
(If no, inform Brig personnel and instruct Soldier how to request care.)		<input checked="" type="checkbox"/>	
If so, was the medical response timely?		<input checked="" type="checkbox"/>	
Do you have any dental needs?		<input checked="" type="checkbox"/>	
If so, have you requested care?		<input checked="" type="checkbox"/>	
(If no, inform Brig personnel and instruct Soldier how to request care.)		<input checked="" type="checkbox"/>	
If so, was the medical response timely?		<input checked="" type="checkbox"/>	
Have you been visited by your unit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Who visited you?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sgt Jones
When was the last visit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	15 DEC 10
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Who visited you?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LT ROSENTHAL
When was the last visit?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	21 DEC 10
(If no, ask if the inmates wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
(If no, explain process to inmate)			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?	<input checked="" type="checkbox"/>		3 MBRW TWO SWEATS
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
(If no to any of the above, explain why and notify Brig personnel.)			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?	<input checked="" type="checkbox"/>		1 hour
(If no, explain why and notify Brig personnel.)			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?		<input checked="" type="checkbox"/>	
How many calls have you made?		<input checked="" type="checkbox"/>	
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
(If no, explain process and set-up an app't if necessary.)			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		
Have you visited your defense attorney?	<input checked="" type="checkbox"/>		
If so, was the visit on-post?	<input checked="" type="checkbox"/>		
When was your last defense attorney visit?			16 DEC 10

DATE: 23 Dec 10CONFINEE NAME: PRC MANNING

	YES	NO	
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>		
Are reading materials offered to you at your cell? [If no, explain availability and procedure.]	<input checked="" type="checkbox"/>		
Are you being fed every day?	<input checked="" type="checkbox"/>		
How many times a day?			THREE MEALS
Are you being fed "hot" meals? [Note any missed meals or "cold" meals and why.]	<input checked="" type="checkbox"/>		
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>		
If so, who?			FRIEND
When was the last visit?			SAT + SUNDAY
Do you have any visitation issues? [If so, explain policy and report to Brig personnel.]		<input checked="" type="checkbox"/>	
If the inmate is on Suicide Watch or Injury Prevention: [Record what level of suicide watch - Suicide Watch or Injury Prevention]			LEVEL = INJURY PREVENTION
How long have you been on Suicide Watch or Injury Prevention?			SINCE ENTRY
Do you understand why you are on Suicide Watch or Injury Prevention?		<input checked="" type="checkbox"/>	
When was the last time you saw a doctor/therapist/counselor?			FRIDAY
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>		BASE
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>		
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>		
Do you get the medication on time? [If no, explain why and notify Brig personnel, doctor, and unit.]	<input checked="" type="checkbox"/>		
Since my last visit, how have you been treated by the guards?			FINE
Since my last visit, how have you been treated by the facility?			FINE
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>		
Did you get an in-brief by the staff?			
Did you receive the Inmate Handbook?		<input checked="" type="checkbox"/>	
Have you had to use it?			
What for?			
Where you notified of the results of your grievance?			
Who notified you?			
How long did that take?			
Do you have any needs we can take care of?			NOT AT THIS TIME

Inmate Name (PRINT): MANNING BRADLEYInterviewer Name: 1SG BRUCE WILLIAMSInmate's Signature: [Signature]Interviewer Signature: [Signature]Date: 23 Dec 10 Time: 0900

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	KHC VSA6 696-3409	23 DEC 10
REQUEST MADE BY PRISONER/DETAINEE		
N/A		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE	
1SG BRUCE WELLMAN	[Signature]	

DATE:

30 DEC 10

CONFINEE NAME:

PFC MORANING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
<i>[If no, inform Brig personnel and instruct Soldier how to request care.]</i>			
If so, was the medical response timely?		<input checked="" type="checkbox"/>	
Do you have any dental needs?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
If so, have you requested care?			
<i>[If no, inform Brig personnel and instruct Soldier how to request care.]</i>			
If so, was the medical response timely?	<input checked="" type="checkbox"/>		
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			1SG WILLIAMS
When was the last visit?			23 DEC 10
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			1LT ROSENTHAL
When was the last visit?			THIS MORNING
<i>[If no, ask if the inmates wants a Chaplain visit or declines it.]</i>			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
<i>[If no, explain process to inmate]</i>			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?			FOUR
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
<i>[If no to any of the above, explain why and notify Brig personnel.]</i>			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			60 MIN
<i>[If no, explain why and notify Brig personnel.]</i>			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?		<input checked="" type="checkbox"/>	
How many calls have you made?			N/A
<i>[If no, explain the procedure if the inmate wants to make a call.]</i>			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
<i>[If no, explain process and set-up an app't if necessary.]</i>			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you visited your defense attorney?			
If so, was the visit on-post?			
When was your last defense attorney visit?			CANNOT RECALL



DATE 30 DEC 10CONFINEE NAME. PFC MANNING

	YES	NO
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	
Are reading materials offered to you at your cell?	<input checked="" type="checkbox"/>	
(If no, explain availability and procedure.)		
Are you being fed every day?	<input checked="" type="checkbox"/>	
How many times a day?	<input checked="" type="checkbox"/>	THREE
Are you being fed "hot" meals?	<input checked="" type="checkbox"/>	
(Note any missed meals or "cold" meals and why.)		
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	
If so, who?		COUSIN
When was the last visit?		SATURDAY 25 DEC 10
Do you have any visitation issues?		<input checked="" type="checkbox"/>
(If so, explain policy and report to Brig personnel.)		
If the Inmate is on Suicide Watch or Injury Prevention:		LEVEL = <u>INJURY</u>
(Record what level of suicide watch - Suicide Watch or Injury Prevention)		
How long have you been on Suicide Watch or Injury Prevention?		<input checked="" type="checkbox"/>
Do you understand why you are on Suicide Watch or Injury Prevention?		SCAFEE APPROVAL
When was the last time you saw a doctor/therapist/counselor?	<input checked="" type="checkbox"/>	
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	FRI DAY 24 DEC 10
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	
Do you get the medication on time?	<input checked="" type="checkbox"/>	
(If no, explain why and notify Brig personnel, doctor, and unit.)		
Since my last visit, how have you been treated by the guards?		EXCELLENT
Since my last visit, how have you been treated by the facility?		EXCELLENT
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?		<input checked="" type="checkbox"/>
Have you had to use it?		
What for?		
Where you notified of the results of your grievance?		
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		<input checked="" type="checkbox"/>

Inmate Name (PRINT): MANNING BRADLEYInterviewer Name: 1SG BRUCE WILLIAMSInmate's Signature: [Signature]Interviewer Signature: [Signature]Date 30 DEC 10 Time 1600

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel



COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	LHAC USRG (703) 696-3404	30 DEC 10

REQUEST MADE BY PRISONER/DETAINEE:

N/A

COMMAND ACTIONS

N/A

COUNSELOR'S FOLLOW-UP IF NEEDED:

N/A

COMMAND REPRESENTATIVE (PRINT)

1SG BRUCE WILLIAMS

PRISONER/DETAINEE SIGNATURE:

*[Signature]*

PREVIOUS EDITIONS ARE OBSOLETE

Revised Using Form 100 2.1  
MC2/NEA November 1994

DATE

5-20-61

CONFINEE NAME:

FREDERICK, J. L.

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
<b>Do you have any medical conditions?</b>		
If so, have you requested care at all?		(X)
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
<b>Do you have any dental needs?</b>		
If so, have you requested care?		(X)
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
<b>Have you been visited by your unit?</b>	(X)	
Who visited you?		
When was the last visit?		1-15-61
<b>Have you been visited by a Chaplain?</b>		
Who visited you?	(X)	
When was the last visit?		1-15-61
(If no, ask if the inmates wants a Chaplain visit or declines it)		
<b>Are you putting your uniforms and other clothing out for cleaning?</b>	(X)	
(If no, explain process to inmate)		
Are you getting clean garments in return?	(X)	
How many changes of uniform do you have?		5
<b>Are you getting showers?</b>	(X)	
Did you have soap?	(X)	
Did you have shaving gear?	(X)	
Did you have a towel?	(X)	
(If no to any of the above, explain why and notify Brig personnel)		
<b>Are you being offered recreation time each day?</b>	(X)	
How long each day?		1 hr. per day
(If no, explain why and notify Brig personnel.)		
<b>Do you have telephone access?</b>	(X)	
Have you made any calls?		
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call.)		
<b>Do you have telephonic access to your defense attorney?</b>	(X)	
(If no, explain process and set-up an app'l if necessary)		
Has your defense attorney visited you here?	(X)	
Have you visited your defense attorney?	(X)	
If so, was the visit on-post?		
When was your last defense attorney visit?		1-15-61

DATE 5/2/91

CONFINEE NAME Dr. Armand

	YES	NO
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	
Are reading materials offered to you at your cell?	<input checked="" type="checkbox"/>	
(If no, explain availability and procedure.)		
Are you being fed every day?	<input checked="" type="checkbox"/>	
How many times a day?		3 meals
Are you being fed "hot" meals?	<input checked="" type="checkbox"/>	
(Note any missed meals or "cold" meals and why.)		
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	
If so, who?		Robert, Aunt and Cousin
When was the last visit?		Monday
Do you have any visitation issues?		<input checked="" type="checkbox"/>
(If so, explain policy and report to Brig personnel.)		
If the Inmate is on Suicide Watch or Injury Prevention:		LEVEL = <u>Max. Sec. - 1st. Max. Prisoner</u>
(Record what level of suicide watch - Suicide Watch or Injury Prevention)		
How long have you been on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	19 days
Do you understand why you are on Suicide Watch or Injury Prevention?		<input checked="" type="checkbox"/> - I will ask Mrs. to explain
When was the last time you saw a doctor/therapist/counselor?	<input checked="" type="checkbox"/>	3 days
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	on Post at Brig
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	
Do you get the medication on time?	<input checked="" type="checkbox"/>	
(If no, explain why and notify Brig personnel, doctor, and unit.)		
Since my last visit, how have you been treated by the guards?		excellent
Since my last visit, how have you been treated by the facility?		no issues
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it?		<input checked="" type="checkbox"/>
What for?		
Where you notified of the results of your grievance?		
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		

Inmate Name (PRINT) MANUING, ARMAND

Interviewer Name CDT C. J. Smith

Inmate's Signature [Signature]

Interviewer Signature [Signature]

Date 5/2/91 Time 1:11

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

DATE: 14 JAN 11

CONFINEE NAME: PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
<b>Do you have any medical conditions?</b>		<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?			
<b>Do you have any dental needs?</b>		<input checked="" type="checkbox"/>	
If so, have you requested care?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?			
<b>Have you been visited by your unit?</b>	<input checked="" type="checkbox"/>		CPT CASAMAYRA
Who visited you?			NOV 12
When was the last visit?			
<b>Have you been visited by a Chaplain?</b>	<input checked="" type="checkbox"/>		LT ROSENTHAL
Who visited you?			YESTERDAY
When was the last visit?			
(If no, ask if the inmates wants a Chaplain visit or declines it.)			
<b>Are you putting your uniforms and other clothing out for cleaning?</b>	<input checked="" type="checkbox"/>		
(If no, explain process to inmate)			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?	<input checked="" type="checkbox"/>		FIVE
<b>Are you getting showers?</b>	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
(If no to any of the above, explain why and notify Brig personnel.)			
<b>Are you being offered recreation time each day?</b>	<input checked="" type="checkbox"/>		
How long each day?			1 hour
(If no, explain why and notify Brig personnel.)			
<b>Do you have telephone access?</b>	<input checked="" type="checkbox"/>		
Have you made any calls?		<input checked="" type="checkbox"/>	
How many calls have you made?			
(If no, explain the procedure if the inmate wants to make a call.)			
<b>Do you have telephonic access to your defense attorney?</b>	<input checked="" type="checkbox"/>		
(If no, explain process and set-up an appt if necessary.)			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		
Have you visited your defense attorney?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
If so, was the visit on-post?			
When was your last defense attorney visit?			LAST MONTH

DATE

14 JAN 11

CONFINEE NAME:

PPE MANNING

	YES	NO
Do you have access to the Brig Library?	✓	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	✓	
Are you being fed every day?	✓	
How many times a day?	✓	THREE
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	✓	
Have you had any visitors other than the chain of command?		✓
If so, who?		NOT RECENT
When was the last visit?		
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)		
If the inmate is on Suicide Watch or Injury Prevention:		LEVEL = SUICIDE PREVENTION
(Record what level of suicide watch - Suicide Watch or Injury Prevention)		
How long have you been on Suicide Watch or Injury Prevention?		SINCE ENTRY
Do you understand why you are on Suicide Watch or Injury Prevention?	✓	
When was the last time you saw a doctor/therapist/counselor?		LAST MONTH AT BRIG
If so, was that visit on-post or at the Quantico Base Brig?		
Are you getting any prescription medications you need?	✓	
Do you get them in the doses prescribed?	✓	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	✓	
Since my last visit, how have you been treated by the guards?		EXCELLENT
Since my last visit, how have you been treated by the facility?		ALRIGHT
Do you understand the Inmate Grievance Procedure?	✓	
Did you get an in-brief by the staff?	✓	
Did you receive the Inmate Handbook?	✓	
Have you had to use it? What for?	✓	
Where you notified of the results of your grievance?		✓
Who notified you?		PLEASE ON HOW TO GET OFF OF INJURY PREVENTION
How long did that take?		FEDERAL JUDGE
Do you have any needs we can take care of?		

Inmate Name (PRINT):

MANNING, BRADLEY

Interviewer Name

ISG BRUCE WILLIAMS

Inmate's Signature

[Signature]

Interviewer Signature

[Signature]

Date

14 JAN 11

Time

SAW

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the Inmate's Trial Counsel

1. NAME OF THE PERSON OR ENTITY

2. ADDRESS OF THE PERSON OR ENTITY

3. PHONE NUMBER OF THE PERSON OR ENTITY

4. FAX NUMBER OF THE PERSON OR ENTITY

5. E-MAIL ADDRESS OF THE PERSON OR ENTITY

6. WEBSITE OF THE PERSON OR ENTITY

7. OTHER INFORMATION

8. DATE OF THE INFORMATION

9. SOURCE OF THE INFORMATION

10. COMMENTS

COUNCIL ACTIONS

1. ACTION TAKEN

2. DATE OF ACTION

3. BY WHOM

4. COMMENTS

5. DATE OF FOLLOW-UP

6. BY WHOM

7. COMMENTS

COUNCIL'S FOLLOW-UP IF NEEDED

1. ACTION TAKEN

2. DATE OF ACTION

3. BY WHOM

4. COMMENTS

5. DATE OF FOLLOW-UP

6. BY WHOM

7. COMMENTS

COMMITTEE REPRESENTATIVE INFO

SE-ERICE Holloman

COMMITTEE REPRESENTATIVE INFO

SE-ERICE Holloman

2. VISITING HOURS -
3. VISITING HOURS - YES
4. SHOWERS (SUN) - YES
5. HOW CAN SUGGEST PROVENTION BECAUSE OF INTEREST, 42 HOURS
6. JOHN A. CHAPMAN - CT RESIDENT 20 JAN 11
7. LAST VISITOR - ATTORNEY VISIT FROM MILK COMPLEX
8. TALK WITH DEFENSE ATTORNEY -
9. ACCESS TO ROOMS: IMPROVED - TEMP IN CELL; SEEN ACCESS TO CUBBY
10. ACCESS TO TELEPHONES - YES; NOT SEEN
11. LAST TIME SEEN A CONSPIRACY/THREATS/THREATS - Tuesday 18 JAN 11
12. HOW HAVE YOU BEEN TREATED BY THE GUARDS - DECENT
13. HOW HAVE YOU BEEN TREATED BY THE GUARDS - DECENT
14. ARE YOU GETTING HOT MEALS - YES
15. HOW MANY TIMES A DAY DO YOU EAT - THREE MEALS A DAY
16. ANY OTHER NEEDS - NOTHING NEW
17. SAME GRIEVANCE PENDING.

\*WHY AND HOW IT WAS IMPLEMENTED.

MANNING EABREY, 20 JAN 11  
 BEN

Commander or representative shall be required to submit this form to the appropriate command and submit it to the Bureau of Prisons. Original will be maintained by the command. Copy will be returned to the BOP.

PRISONER'S NAME	UNIT AND INMATE NUMBER	DATE
WILLIAMSON, LEO	1000 1000- 203 676 1000	10/10/87
REQUEST MADE BY PRISONER/DETAINEE:		
N/A		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE	
1000-1000-1000	[Signature]	

PHYSICIAN CERTIFICATE AND OTHER FBI

Document of Bureau of Prisons 2 -  
BUREAU OF PRISONS 1000  
Page 53 of 87





DATE: 28 JAN 61CONFINEE NAME: PFC MANNING

	YES	NO	
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>		
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	<input checked="" type="checkbox"/>		
Are you being fed every day?	<input checked="" type="checkbox"/>		5 meals
How many times a day?	<input checked="" type="checkbox"/>		
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>		
Have you had any visitors other than the chain of command?		<input checked="" type="checkbox"/>	
If so, who?			
When was the last visit?			
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)			
If the Inmate is on Suicide Watch or Injury Prevention:			LEVEL = <u>INJURY PREVENTION</u>
(Record what level of suicide watch - Suicide Watch or Injury Prevention)			
How long have you been on Suicide Watch or Injury Prevention?			SINCE ENTRY
Do you understand why you are on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>		
When was the last time you saw a doctor/therapist/counselor?	<input checked="" type="checkbox"/>		PFC MANNING
If so, was that visit on-post or at the Quantico Base Bng?	<input checked="" type="checkbox"/>		
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>		
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>		
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	<input checked="" type="checkbox"/>		
Since my last visit, how have you been treated by the guards?			BETTER
Since my last visit, how have you been treated by the facility?			PRETTY WELL
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>		
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>		
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>		
Have you had to use it? What for?		<input checked="" type="checkbox"/>	
Where you notified of the results of your grievance?			
Who notified you?			
How long did that take?			
Do you have any needs we can take care of?			
<u>3 pair of socks had more when he got here &amp; MAYBE UP TO 3 pair are missing.</u>			

Inmate Name (PRINT): 100 INMATE BRADLEYInterviewer Name: 156 BRUCE WILLIAMSInmate's Signature: [Signature]Interviewer Signature: [Signature]Date: 28 JAN 61 Time: 1500

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the Inmate's Trial Counsel

Complete the visitation form and forward it for appropriate action. Ensure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	HHC USAF 703-696-3409	28 JAN 11

REQUEST MADE BY PRISONER/DETAINEE:

N/A


COMMAND ACTIONS

N/A

COUNSELOR'S FOLLOW-UP IF NEEDED:

N/A

COMMAND REPRESENTATIVE (PRINT)

1SG BRUCE WILLIAMS	PRISONER/DETAINEE SIGNATURE: 
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PREVIOUS EDITIONS ARE OBSOLETE

Designed Using Form 2-1  
MCSMA November 1994

DATE:

4 FEB 11

CONFINEE NAME:

PFC Manning

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		✓
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Do you have any dental needs?		
If so, have you requested care?		STILL GET TEETH 12 UP
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?	✓	
Who visited you?		1SG WILLIAMS
When was the last visit?		2 JAN 11
Have you been visited by a Chaplain?	✓	
Who visited you?		LT ROSENTHAL
When was the last visit?		3 FEB 11
(If no, ask if the inmates wants a Chaplain visit or declines it.)		
Are you putting your uniforms and other clothing out for cleaning?	✓	
(If no, explain process to inmate)		
Are you getting clean garments in return?	✓	
How many changes of uniform do you have?		FWP
Are you getting showers?	✓	
Did you have soap?	✓	
Did you have shaving gear?	✓	
Did you have a towel?	✓	
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	✓	
How long each day?		1 HOUR
(If no, explain why and notify Brig personnel.)		
Do you have telephone access?	✓	✓
Have you made any calls?		
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call.)		
Do you have telephonic access to your defense attorney?	✓	
(If no, explain process and set-up an app? if necessary.)		
Has your defense attorney visited you here?	✓	
Have you visited your defense attorney?	✓	
If so, was the visit on-post?		
When was your last defense attorney visit?		LAST WEEK BUT TUESDAY AFTERNOON WENT CAMP BACK 5 FEB 11

DATE: 4 FEB 91CONFINEE NAME: PFC MANNING

	YES	NO
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	<input checked="" type="checkbox"/>	
Are you being fed every day?	<input checked="" type="checkbox"/>	
How many times a day?	<input checked="" type="checkbox"/>	Three
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>	
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	
If so, who?		Friend 2nd Lt
When was the last visit?		
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)		<input checked="" type="checkbox"/>
If the Inmate is on Suicide Watch or Injury Prevention: (Record what level of suicide watch -- Suicide Watch or Injury Prevention)		LEVEL = Injury Prevention
How long have you been on Suicide Watch or Injury Prevention?		Since entry
Do you understand why you are on Suicide Watch or Injury Prevention?		<input checked="" type="checkbox"/>
When was the last time you saw a doctor/therapist/counselor?	<input checked="" type="checkbox"/>	3 FEB 91
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	<input checked="" type="checkbox"/>	
Since my last visit, how have you been treated by the guards?		Very Well
Since my last visit, how have you been treated by the facility?		Excellent
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it? What for?		<input checked="" type="checkbox"/>
Where you notified of the results of your grievance? Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		

Inmate Name (PRINT): MANNING BRADLEYInmate's Signature: Brad ManningDate: 4 FEB 91 Time: 1430Interviewer Name: 1SG Bruce WilliamsInterviewer Signature: Bruce Williams

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	HHC USAG 703-696-3489	4 FEB 11

REQUEST MADE BY PRISONER/DETAINEE:

N/A


COMMAND ACTIONS

N/A

COUNSELOR'S FOLLOW-UP IF NEEDED:

N/A

COMMAND REPRESENTATIVE (PRINT)

1SG BRUCE WILLIAMS	PRISONER/DETAINEE SIGNATURE: 
--------------------	---

PREVIOUS EDITIONS ARE OBSOLETE

Designed Using FormFlow 2.1  
MCA/REA November 1988

DATE:

11 FEB 2011

CONFINEE NAME:

PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions	YES	NO	
Do you have any medical conditions?			
If so, have you requested care at all?		✓	
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?		✓	
Do you have any dental needs?		✓	
If so, have you requested care?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?		✓	
Have you been visited by your unit?			
Who visited you?			THURSDAY FEB 3 2011
When was the last visit?			1SG Williams
Have you been visited by a Chaplain?			
Who visited you?			WED FEB 10 CHAPLAIN KOSANTHAL (Navy)
When was the last visit?			
(If no, ask if the inmate wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?		✓	
(If no, explain process to inmate)			
Are you getting clean garments in return?	✓		
How many changes of uniform do you have?		5	
Are you getting showers?	✓		
Did you have soap?	✓		
Did you have shaving gear?	✓		
Did you have a towel?	✓		
(If no to any of the above, explain why and notify Brig personnel.)			
Are you being offered recreation time each day?	✓		
How long each day?			1 Hour
(If no, explain why and notify Brig personnel.)			
Do you have telephone access?	✓		
Have you made any calls?		✓	
How many calls have you made?			N/A
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	✓		
(If no, explain process and set-up an app't if necessary.)			
Has your defense attorney visited you here?	✓		2 week
Have you visited your defense attorney?	✓		ET MYER 11 FEB 2011
If so, was the visit on-post?	✓		
When was your last defense attorney visit?			2 week Brig



DATE: 11 FEB 2011

CONFINEE NAME: PFC MANNING 5

	YES	NO
Do you have access to the Brig Library?	✓	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	✓	
Are you being fed every day?	✓	
How many times a day?		3xs
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	✓	
Have you had any visitors other than the chain of command? If so, who?	✓	
When was the last visit?		
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)		
If the inmate is on Suicide Watch or Injury Prevention?	✓	
(Record what level of suicide watch - Suicide Watch or Injury Prevention?)		INJURY PREVENTION
How long have you been on Suicide Watch or Injury Prevention?		8 months
Do you understand why you are on Suicide Watch or Injury Prevention?	✓	
When was the last time you saw a doctor/therapist/counselor?		RECEIVED FEB 4 2011
If so, was that visit on-post or at the Quantico Base Brig?		BRIG
Are you getting any prescription medications you need?	✓	
Do you get them in the doses prescribed?	✓	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	✓	
Since my last visit, how have you been treated by the guards?	✓	
Since my last visit, how have you been treated by the facility?	✓	
Do you understand the Inmate Grievance Procedure?	✓	
Did you get an in-brief by the staff?	✓	
Did you receive the Inmate Handbook?	✓	
Have you had to use it? What for?		
Where you notified of the results of your grievance?		NA
Who notified you?		NO
How long did that take?		NR
Do you have any needs we can take care of?		

Inmate Name (PRINT): MANNING BRADLEY

Interviewer Name: JONES WHITE EC

Inmate's Signature: [Signature]

Interviewer Signature: [Signature]

Date: 11 FEB 2011 Time: 1200

\*\* Original Completed Sheets will be kept on file by Commander.  
\*\* Provide a copy to the Inmate's Trial Counsel



18 FEB 2011


PFC MANNING

What confinement level? 11/15/09 (Prisoner Status)  
How have the guards treated you since my last visit? A/C, OK  
How has the facility treated you since my last visit? A/C, OK  
When was the last time you seen a cousin/brother/sister? (MOTHER)  
Have you been seen by the Chaplain, when, who? YES to M, (MOTHER)  
Have you had any visitors other than the command, who, when? (MOTHER)  
When was the last command visit, who visited? 11 FEB 11  
How many meals do you receive daily, hot? Three Hot, yes  
Do you have access to Reading materials in the cell, (Library) YES  
Do you receive Recreation time, how long? yes 1 hour  
Are you getting showers, shave gear, toothbrush etc? YES  
How many changes of clothes do you have? Five  
Are your uniforms being cleaned? YES  
Do you have any medical needs? NO  
Are you receiving prescription Meds, dosage, outcome? YES  
Do you have telephone access, make any calls? YES, NO  
When was the last time your Defense Attorney visited? 11 FEB 11  
Do you have any visitation concerns? NO  
Is there anything that I can help you with? YES, NO  
HEAD GEAR IS POSSIBLE FOR BOLT SIZE 7  
IDENTIFY FOLLOWING, LAST VISIT  
CHECK ON MAGAZINE ORDER IN HIS NAME

NAME: MANNING, BRADLEY

RANK: PFC

DATE 18 FEB 11

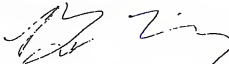
SIGN 

1SG BRUCE W. HARRIS



HAC USAG

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFZ MANNING	HAC USAF- 703-696-2400	18 FEB 11
REQUEST MADE BY PRISONER/DETAINEE:		
N/A		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE:	
ISG Bruce Williams		

PREVIOUS EDITIONS ARE OBSOLETE

Revised Using Forefield 2.1  
SECURE - November 1999

DATE:

25 FEB 11

CONFINEE NAME:

PFC MANDELIG

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		✓	
If so, have you requested care at all?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?	✓		
Do you have any dental needs?			
If so, have you requested care?			CHECK UP 1.25.11 (FEB 22 WEEK MARCH)
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?	✓		
Have you been visited by your unit?	✓		
Who visited you?			1SG BURNHAM
When was the last visit?			18 FEB 11
Have you been visited by a Chaplain?	✓		
Who visited you?			LT ROSENTHAL
When was the last visit?			THURSDAY
(If no, ask if the inmates wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	✓		
(If no, explain process to inmate)			
Are you getting clean garments in return?	✓		
How many changes of uniform do you have?	✓		5/10
Are you getting showers?	✓		
Did you have soap?	✓		
Did you have shaving gear?	✓		
Did you have a towel?	✓		
(If no to any of the above, explain why and notify Brig personnel.)			
Are you being offered recreation time each day?	✓		
How long each day?			1 hour
(If no, explain why and notify Brig personnel.)			
Do you have telephone access?	✓		
Have you made any calls?		✓	
How many calls have you made?			0
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	✓		
(If no, explain process and set-up en app't if necessary.)			
Has your defense attorney visited you here?	✓		
Have you visited your defense attorney?	✓		week MAR samples
If so, was the visit on-post?	✓		
When was your last defense attorney visit?			

DATE

25 FEB 11

CONFINEE NAME:

PFC MANNING

	YES	NO
Do you have access to the Brig Library?	✓	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	✓	
Are you being fed every day?	✓	
How many times a day?	✓	3 times a day
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	✓	
Have you had any visitors other than the chain of command?	✓	
If so, who?		MATHIAS
When was the last visit?		19-26 FEB
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)		✓
If the inmate is on Suicide Watch or Injury Prevention: (Record what level of suicide watch -- Suicide Watch or Injury Prevention)		LEVEL = SUICIDE
How long have you been on Suicide Watch or Injury Prevention?		STATE ONLY
Do you understand why you are on Suicide Watch or Injury Prevention?	✓	THES MANNING
When was the last time you saw a doctor/therapist/counselor?	✓	
If so, was that visit on-post or at the Quantico Base Bng?	✓	
Are you getting any prescription medications you need?	✓	
Do you get them in the doses prescribed?	✓	
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit)	N/A	
Since my last visit, how have you been treated by the guards?		VERY PROFESSIONALLY
Since my last visit, how have you been treated by the facility?		VERY PROFESSIONALLY
Do you understand the Inmate Grievance Procedure?	✓	
Did you get an in-brief by the staff?	✓	
Did you receive the Inmate Handbook?	✓	
Have you had to use it? What for?	✓	
Where you notified of the results of your grievance?		
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?	✓	

Inmate Name (PRINT):

MANNING BRADLEY

Inmate's Signature:

[Signature]

Date:

25 FEB 11

Time:

1600

Interviewer Name:

1SG BRUCE WILLIAMS

Interviewer Signature:

[Signature]

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
FFC MANUELAS	HAC VEST 703-696-3409	25 FEB 11

REQUEST MADE BY PRISONER/DETAINEE:

N/A

COMMAND ACTIONS

N/A

COUNSELOR'S FOLLOW-UP IF NEEDED:

N/A

COMMAND REPRESENTATIVE (PRINT)

186 BRUCE WILLIAMS

PRISONER/DETAINEE SIGNATURE:

*[Signature]*

PREVIOUS EDITIONS ARE OBSOLETE

Designed Using FormFlow 2.1  
MCQ/REA November 1998

DATE: 2 MAR-11CONFINEE NAME PFC MANNINGMARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		✓
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?	✓	
Do you have any dental needs?	✓	
If so, have you requested care?	✓	
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?	✓	
Who visited you?		1SG WILLIAMS
When was the last visit?		LAST FRIDAY 25 FEB
Have you been visited by a Chaplain?	✓	
Who visited you?		1LT ROBERT HALL
When was the last visit?		YESTERDAY
(If no, ask if the inmates want a Chaplain visit or declines it.)		
Are you putting your uniforms and other clothing out for cleaning?	✓	
(If no, explain process to inmate)		
Are you getting clean garments in return?	✓	
How many changes of uniform do you have?	✓	
Are you getting showers?	✓	
Did you have soap?	✓	
Did you have shaving gear?	✓	
Did you have a towel?	✓	
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	✓	
How long each day?		1 hour
(If no, explain why and notify Brig personnel.)		
Do you have telephone access?	✓	
Have you made any calls?		✓
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call.)		
Do you have telephonic access to your defense attorney?	✓	
(If no, explain process and set-up an appt if necessary.)		
Has your defense attorney visited you here?	✓	
Have you visited your defense attorney?		✓
If so, was the visit on-post?		N/A
When was your last defense attorney visit?		WORKS 23 FEB

791 of 1505





DATE: 11 MAR 11

CONFINEE NAME: PFC MANABUK

MARINE CORPS BASE QUANTICO BRIG ADMINISTRATIVE RECORD OF VISIT			
Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?			
Do you have any dental needs?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
If so, have you requested care?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			will finish up next month also want to dentist 10 MAR 11
If so, was the medical response timely?			
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			1SG WELTAM / CSM ALPERMAN
When was the last visit?			4 MAR 11
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			1LT ROSENTHAL
When was the last visit?			10 MAR 11
(If no, ask if the inmate wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
(If no, explain process to inmates)			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?			Five
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
(If no to any of the above, explain why and notify Brig personnel.)			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			1 hour
(If no, explain why and notify Brig personnel.)			
Do you have telephone access?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Have you made any calls?			
How many calls have you made?			
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
(If no, explain process and set-up an app't if necessary.)			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		
Have you visited your defense attorney?			
If so, was the visit on-post?			
When was your last defense attorney visit?			2 MAR 11 Seems like good communication with Defense M&C

DATE 11 MAR 11CONFINEE NAME: PFC MANNING

	YES	NO
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are reading materials offered to you at your cell? (If no, explain availability and procedure)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you being fed every day?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How many times a day?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If so, who?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
When was the last visit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If the inmate is on Suicide Watch or Injury Prevention: (Record what level of suicide watch - Suicide Watch or Injury Prevention)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How long have you been on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you understand why you are on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
When was the last time you saw a doctor/therapist/counselor?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Since my last visit, how have you been treated by the guards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Since my last visit, how have you been treated by the facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have you had to use it? What for?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where you notified of the results of your grievance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Who notified you?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How long did that take?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you have any needs we can take care of?	<input checked="" type="checkbox"/>	<input type="checkbox"/>


Inmate Name (PRINT): MANNING BRADLEYInmate's Signature: [Signature]Date: 11 MAR 11 Time: 1530Interviewer Name: 1SG BRUCE WellmanInterviewer Signature: [Signature]

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the inmate's Trial Counsel

# COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	HAC USAG 703-696-3409	11 MAR 11
REQUEST MADE BY PRISONER/DETAINEE:		
N/A		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE:	
1SG Bruce Wellman		

DATE: 18 MAR 11

CONFINEE NAME: PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		✓
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Do you have any dental needs?		✓
If so, have you requested care?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?	✓	
Who visited you?		1st WELLS CSM PLARIS
When was the last visit?		11 MAR 11
Have you been visited by a Chaplain?	✓	
Who visited you?		1st RESETHAL
When was the last visit?		17 MAR 11
(If no, ask if the inmates wants a Chaplain visit or declines it.)		
Are you putting your uniforms and other clothing out for cleaning?	✓	
(If no, explain process to inmate)		
Are you getting clean garments in return?	✓	
How many changes of uniform do you have?	✓	
Are you getting showers?	✓	
Did you have soap?	✓	
Did you have shaving gear?	✓	
Did you have a towel?	✓	
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	✓	
How long each day?		1 hour
(If no, explain why and notify Brig personnel)		
Do you have telephone access?	✓	
Have you made any calls?		✓
How many calls have you made?		N/A
(If no, explain the procedure if the inmate wants to make a call)		
Do you have telephonic access to your defense attorney?	✓	
(If no, explain process and set-up an app't if necessary)		
Has your defense attorney visited you here?	✓	
Have you visited your defense attorney?	✓	✓
If so, was the visit on-post?	✓	
When was your last defense attorney visit?		10 MAR 11

DATE: 18 MAR 11

CONFINEE NAME: PFC MANNING

	YES	NO	
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are you being fed every day?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
How many times a day?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>three times</u>
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, who?	<input type="checkbox"/>	<input type="checkbox"/>	
When was the last visit?	<input type="checkbox"/>	<input type="checkbox"/>	
Do you have any visitation issues? (If so, explain policy and report to Bng personnel)	<input type="checkbox"/>	<input type="checkbox"/>	
If the inmate is on Suicide Watch or Injury Prevention: (Record what level of suicide watch - Suicide Watch or Injury Prevention)	<input type="checkbox"/>	<input type="checkbox"/>	LEVEL <u>PROTECTION OF DUTY</u>
How long have you been on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>SINCE ENTRY</u>
Do you understand why you are on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>THREE MONTHS</u>
When was the last time you saw a doctor/therapist/counselor?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Do you get them in the doses prescribed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Do you get the medication on time? (If no, explain why and notify Bng personnel, doctor, end unit.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Since my last visit, how have you been treated by the guards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>VERY PROFESSIONAL</u>
Since my last visit, how have you been treated by the facility?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>MAYBE OVERCAUTIOUS</u>
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Have you had to use it? What for?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Where you notified of the results of your grievance? Who notified you? How long did that take?	<input type="checkbox"/>	<input type="checkbox"/>	
Do you have any needs we can take care of?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Inmate Name (PRINT): BRADLEY MANNING

Inmate's Signature: [Signature]

Date: 18 MAR 11 Time: 1345


Interviewer Name: 156- Blevins Williams

Interviewer Signature: [Signature]

\*\* Original Completed Sheets will be kept on file by Commander.  
\*\* Provide a copy to the inmate's Trial Counsel

# COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PFC MANNING	HHC USAF 703-696-3409	18 MAR 11
REQUEST MADE BY PRISONER/DETAINEE:		
NONE		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE:	
1SG Bruce Williams		

DATE

23 MAR 11

CONFINEE NAME

PFC MANNING

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		✓
If so, have you requested care at all?		N/A
(If no, inform Brig personnel and instruct Soldier how to request care)		
If so, was the medical response timely?		n/a
Do you have any dental needs?		Normal visit now
If so, have you requested care?	✓	- All good
(If no, inform Brig personnel and instruct Soldier how to request care)		
If so, was the medical response timely?	✓	Yes - nothing immediate
Have you been visited by your unit?	✓	
Who visited you?		Today
When was the last visit?		Yes
Have you been visited by a Chaplain?		- NAVY LT Reynolds
Who visited you?		23 MAR 11 - AM
When was the last visit?		
(If no, ask if the inmates want a Chaplain visit or declines it)		
Are you putting your uniforms and other clothing out for cleaning?	✓	
(If no, explain process to inmates)		
Are you getting clean garments in return?	✓	
How many changes of uniform do you have?		5 at Juchin
Are you getting showers?	✓	161
Did you have soap?	✓	
Did you have shaving gear?	✓	
Did you have a towel?	✓	
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	✓	
How long each day?		1 hour
(If no, explain why and notify Brig personnel.)		
Do you have telephone access?	✓	
Have you made any calls?		✓ - no person
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call)		
Do you have telephonic access to your defense attorney?		
(If no, explain process and set-up an appt. if necessary)		
Has your defense attorney visited you here?	✓	
Have you visited your defense attorney?	✓	
If so, was the visit on-post?	✓	Yes Fort Myer
When was your last defense attorney visit?		Last visit - MAR 11

DATE 23 Mar 11CONFINEE NAME PFC Manning

	YES	NO	
<b>Do you have access to the Brig Library?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Are you being fed every day?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
How many times a day?	<u>3</u>	<input type="checkbox"/>	<u>3 times a day</u>
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>- 2 Box lunches today</u>
<b>Have you had any visitors other than the chain of command?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If so, who?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NA</u>
When was the last visit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Do you have any visitation issues? (If so, explain policy and report to Brig personnel.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>If the inmate is on Suicide Watch or Injury Prevention:</b>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LEVEL = <u>          </u>
(Record what level of suicide watch -- Suicide Watch or Injury Prevention)			
How long have you been on Suicide Watch or Injury Prevention?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>into Injury Prevention</u>
Do you understand why you are on Suicide Watch or Injury Prevention?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Fri Jan - even!</u>
When was the last time you saw a doctor/therapist/counselor?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>on Quantico Brig</u>
If so, was that visit on-post or at the Quantico Base Brig?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>- none needed</u>
<b>Are you getting any prescription medications you need?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Do you get them in the doses prescribed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NA</u>
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, and unit.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NA</u>
<b>Since my last visit, how have you been treated by the guards?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Very well</u>
<b>Since my last visit, how have you been treated by the facility?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Fri Jan OK - Communication issues!</u>
<b>Do you understand the Inmate Grievance Procedure?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Have you had to use it?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
What for?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NA</u>
Where you notified of the results of your grievance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NA</u>
Who notified you?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NA</u>
How long did that take?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>NA</u>
<b>Do you have any needs we can take care of?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<u>NA F.3.37 N/A</u>			

Inmate Name (PRINT): MANING, BRADLEY E.Interviewer Name: Joseph M. CasanovaInmate's Signature: [Signature]Interviewer Signature: [Signature]Date 23 Mar 11 Time 1228

\*\* Original Completed Sheets will be kept on file by Commander.  
 \*\* Provide a copy to the Inmate's Trial Counsel

2



DATE:

31 MAR 11

CONFINEE NAME:

PFC MAMARINO

MARINE CORPS BASE QUANTICO BRIG  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO
Do you have any medical conditions?		✓
If so, have you requested care at all?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Do you have any dental needs?		✓
If so, have you requested care?		
(If no, inform Brig personnel and instruct Soldier how to request care.)		
If so, was the medical response timely?		
Have you been visited by your unit?	✓	
Who visited you?		CPT CASAMATA
When was the last visit?		23 MAR 11
Have you been visited by a Chaplain?	✓	
Who visited you?		LT ROSENTHAL
When was the last visit?		TODAY
(If no, ask if the inmates wants a Chaplain visit or declines it.)		
Are you putting your uniforms and other clothing out for cleaning?	✓	
(If no, explain process to inmates)		
Are you getting clean garments in return?	✓	
How many changes of uniform do you have?	✓	
Are you getting showers?	✓	
Did you have soap?	✓	
Did you have shaving gear?	✓	
Did you have a towel?	✓	
(If no to any of the above, explain why and notify Brig personnel.)		
Are you being offered recreation time each day?	✓	
How long each day?		1 hour
(If no, explain why and notify Brig personnel.)		
Do you have telephone access?	✓	✓
Have you made any calls?		
How many calls have you made?		
(If no, explain the procedure if the inmate wants to make a call.)		
Do you have telephonic access to your defense attorney?	✓	
(If no, explain process and set-up an appt if necessary.)		
Has your defense attorney visited you here?	✓	
Have you visited your defense attorney?	✓	
If so, was the visit on-post?		✓
When was your last defense attorney visit?		SAURDAY MAR 20

DATE:

32  
MAR 11

CONFINEE NAME:

PC MANNING

	YES	NO
Do you have access to the Brig Library?	<input checked="" type="checkbox"/>	
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)		
Are you being fed every day?	<input checked="" type="checkbox"/>	
How many times a day?		THREE
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>	
Have you had any visitors other than the chain of command?		<input checked="" type="checkbox"/>
If so, who?		
When was the last visit?		<input checked="" type="checkbox"/>
Do you have any visitation issues? (If so, explain policy and report to Brig personnel)		
If the Inmate is on Suicide Watch or Injury Prevention: (Record what level of suicide watch -- Suicide Watch or Injury Prevention)		LEVEL = SUICIDE PREVENTION
How long have you been on Suicide Watch or Injury Prevention?		SINCE EARLY
Do you understand why you are on Suicide Watch or Injury Prevention?		<input checked="" type="checkbox"/>
When was the last time you saw a doctor/therapist/counselor?		18 MAR 11
If so, was that visit on-post or at the Quantico Base Brig?	<input checked="" type="checkbox"/>	
Are you getting any prescription medications you need?		<input checked="" type="checkbox"/>
Do you get them in the doses prescribed?		Y/N
Do you get the medication on time? (If no, explain why and notify Brig personnel, doctor, end unit.)		
Since my last visit, how have you been treated by the guards?		ALRIGHT
Since my last visit, how have you been treated by the facility?		OKAY
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it? What for?		<input checked="" type="checkbox"/>
Where you notified of the results of your grievance? Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		<input checked="" type="checkbox"/>

Inmate Name (PRINT):

MANNING-BRADLEY

Interviewer Name:

ISG-Brace Williams S

Inmate's Signature:

[Signature]

Interviewer Signature:

[Signature]

Date:

3 MAR 11

Time:


1000

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the Inmate's Trial Counsel

# COMMAND VISITATION

Complete the visitation form and forward it for appropriate action. Insure the form is completed and signed by the prisoner or detainee. Original will be maintained by the command. Copy will be retained by the Brig.

PRISONER'S NAME	UNIT AND DUTY PHONE	DATE
PR. MANNING	111K 6526 703 696 3409	31 MAR 2011
REQUEST MADE BY PRISONER/DETAINEE:		
NONE		
COMMAND ACTIONS		
N/A		
COUNSELOR'S FOLLOW-UP IF NEEDED:		
N/A		
COMMAND REPRESENTATIVE (PRINT)	PRISONER/DETAINEE SIGNATURE:	
1st Bruce Walters		

DATE:

28 Jul 11

CONFINEE NAME:

The Mornings

MARINE CORPS BASE QUANTICO BRIG.  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		X	
If so, have you requested care at all?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?		X	
Do you have any dental needs?		X	
If so, have you requested care?			
(If no, inform Brig personnel and instruct Soldier how to request care.)			
If so, was the medical response timely?			
Have you been visited by your unit?	(X)		
Who visited you?			126 WILKINS, 1304 ARLINER
When was the last visit?			
Have you been visited by a Chaplain?	(X)		
Who visited you?			MAS 1-400 PM MDT'S
When was the last visit?			Tuesday
(If no, ask if the inmate wants a Chaplain visit or declines it.)			
Are you putting your uniforms and other clothing out for cleaning?	(X)		
(If no, explain process to inmate)			
Are you getting clean garments in return?	(X)		
How many changes of uniform do you have?			5 + 3 sets of DT's
Are you getting showers?	(X)		
Did you have soap?	(X)		
Did you have shaving gear?	(X)		
Did you have a towel?	(X)		
(If no to any of the above, explain why and notify Brig personnel)			
Are you being offered recreation time each day?	(X)		
How long each day?			2 hours A day
(If no, explain why and notify Brig personnel.)			
Do you have telephone access?	(X)		
Have you made any calls?		(X)	
How many calls have you made?			
(If no, explain the procedure if the inmate wants to make a call.)			
Do you have telephonic access to your defense attorney?	(X)		
(If no, explain process and set-up an app't if necessary.)			
Has your defense attorney visited you here?	(X)		
Have you visited your defense attorney?	(X)		
If so, was the visit on-post?	(X)		
When was your last defense attorney visit?			CPT TORMAN 27th Jul 11

DATE: 28 JUL 11

CONFINEE NAME: PFC Manning

	YES	NO
Do you have access to the Brig Library?		
Are reading materials offered to you at your cell? <i>(If no, explain availability and procedure.)</i>	<input checked="" type="checkbox"/>	
Are you being fed every day?		
How many times a day?		3x per day
Are you being fed "hot" meals? <i>(Note any missed meals or "cold" meals and why.)</i>	<input checked="" type="checkbox"/>	
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	
If so, who?		
When was the last visit?		
Do you have any visitation issues? <i>(If so, explain policy and report to Brig personnel.)</i>	<input checked="" type="checkbox"/>	
Are you on Suicide Watch or Injury Prevention?	<input checked="" type="checkbox"/>	LEVEL
<i>(Record what level of suicide watch - Suicide Watch or Injury Prevention)</i>		
How long have you been on Suicide Watch or Injury Prevention?		
Do you understand why you are on Suicide Watch or Injury Prevention?		
When was the last time you saw a doctor/therapist/counselor?		
If so, was that visit on-post or at the Quantico Base Brig?		
Are you getting any prescription medications you need?		not taking any
Do you get them in the doses prescribed?		
Do you get the medication on time? <i>(If no, explain why and notify Brig personnel, doctor, and unit.)</i>		
Since my last visit, how have you been treated by the guards?		great - no issues
Since my last visit, how have you been treated by the facility?		same as everyone else
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	
Did you get an in-brief by the staff?	<input checked="" type="checkbox"/>	
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	
Have you had to use it? What for?		
Where you notified of the results of your grievance? Who notified you? How long did that take?		
Do you have any needs we can take care of?		

Inmate Name (PRINT): MANNING, BRADLEY E

Interviewer Name: CPT Casanova

Inmate's Signature: [Signature]

Interviewer Signature: [Signature]

Date: 28 JUL 11 Time: 0930

\*\* Original Completed Sheets will be kept on file by Commander.  
\*\* Provide a copy to the inmate's Trial Counsel

DATE:

14 Sep 11

CONFINEE NAME:

PFC Manning

MIDWEST JOINT REGIONAL CORRECTIONAL FACILITY  
ADMINISTRATIVE RECORD OF VISIT

Questions	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
[If no, inform JRCF personnel and instruct Soldier how to request care.]			
If so, was the medical response timely?			
Do you have any dental needs?		<input checked="" type="checkbox"/>	
If so, have you requested care?			
[If no, inform JRCF personnel and instruct Soldier how to request care.]			
If so, was the medical response timely?			
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			
When was the last visit?			
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			MAJ. MERRIS
When was the last visit?			7-20-07
[If no, ask if the inmates wants a Chaplain visit or declines it.]			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
[If no, explain process to inmate]			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?			5 or 11
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
[If no to any of the above, explain why and notify JRCF personnel.]			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			2 hours
[If no, explain why and notify JRCF personnel.]			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?			
How many calls have you made?			2 or 3
[If no, explain the procedure if the inmate wants to make a call.]			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
[If no, explain process and set-up an app'l if necessary.]			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		
Have you visited your defense attorney?	<input checked="" type="checkbox"/>		
If so, was the visit on-post?	<input checked="" type="checkbox"/>		
When was your last defense attorney visit?			last week



DATE: 14 Sep 11CONFINEE NAME: PFC MANNING

	YES	NO
Do you have access to the JRCF Library?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are reading materials offered to you at your cell? (If no, explain availability and procedure.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you being fed every day?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How many times a day?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you being fed "hot" meals? (Note any missed meals or "cold" meals and why.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have you had any visitors other than the chain of command?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If so, who?	<input type="checkbox"/>	<input type="checkbox"/>
When was the last visit?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have any visitation issues? (If so, explain policy and report to JRCF personnel.)	<input type="checkbox"/>	<input type="checkbox"/>
If the inmate is on suicide watch: (Record what level of suicide watch - suicide risk or prevention of injury)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
How long have you been on Suicide watch at either level?	<input type="checkbox"/>	<input type="checkbox"/>
Do you understand why you are on suicide watch?	<input type="checkbox"/>	<input type="checkbox"/>
When was the last time you saw a doctor/therapist/counselor?	<input type="checkbox"/>	<input type="checkbox"/>
If so, was that visit on-post or at the JRCF?	<input type="checkbox"/>	<input type="checkbox"/>
Are you getting any prescription medications you need?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Do you get them in the doses prescribed?	<input type="checkbox"/>	<input type="checkbox"/>
Do you get the medication on time? (If no, explain why and notify JRCF personnel, doctor, and unit.)	<input type="checkbox"/>	<input type="checkbox"/>
Since my last visit, how have you been treated by the guards?	<input type="checkbox"/>	<input type="checkbox"/>
Since my last visit, how have you been treated by the facility?	<input type="checkbox"/>	<input type="checkbox"/>
Do you understand the Inmate Grievance Procedure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you get an In-brief by the staff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did you receive the Inmate Handbook?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Have you had to use it? What for?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where you notified of the results of your grievance?	<input type="checkbox"/>	<input type="checkbox"/>
Who notified you?	<input type="checkbox"/>	<input type="checkbox"/>
How long did that take?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have any needs we can take care of?	<input type="checkbox"/>	<input type="checkbox"/>
<u>Not at this time</u>	<input type="checkbox"/>	<input type="checkbox"/>

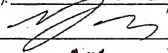
Inmate Name (PRINT):

MANNING, BRADLEY E.

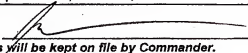
Interviewer Name:

CPT CASAMATTA

Inmate's Signature:



Interviewer Signature:

Date: 14 SEP 11 Time: 1010

\*\* Original Completed Sheets will be kept on file by Commander.

\*\* Provide a copy to the Inmate's Trial Counsel

DATE: 15 DEC 2011CONFINEE NAME: PPC MARDIANMIDWEST JOINT REGIONAL CORRECTIONAL FACILITY  
ADMINISTRATIVE RECORD OF VISIT

Questions:	YES	NO	
Do you have any medical conditions?		<input checked="" type="checkbox"/>	
If so, have you requested care at all?			
[If no, inform JRCF personnel and instruct Soldier how to request care.]			
If so, was the medical response timely?			
Do you have any dental needs?		<input checked="" type="checkbox"/>	
If so, have you requested care?			
[If no, inform JRCF personnel and instruct Soldier how to request care.]			
If so, was the medical response timely?			
Have you been visited by your unit?	<input checked="" type="checkbox"/>		
Who visited you?			CH CASAMATA
When was the last visit?			2 weeks ago
Have you been visited by a Chaplain?	<input checked="" type="checkbox"/>		
Who visited you?			MAY MORRIS
When was the last visit?			LAST WEEK 13 DEC
[If no, ask if the inmate wants a Chaplain visit or declines it.]			
Are you putting your uniforms and other clothing out for cleaning?	<input checked="" type="checkbox"/>		
[If no, explain process to inmate]			
Are you getting clean garments in return?	<input checked="" type="checkbox"/>		
How many changes of uniform do you have?			5 MARCH 3 PCE
Are you getting showers?	<input checked="" type="checkbox"/>		
Did you have soap?	<input checked="" type="checkbox"/>		
Did you have shaving gear?	<input checked="" type="checkbox"/>		
Did you have a towel?	<input checked="" type="checkbox"/>		
[If no to any of the above, explain why and notify JRCF personnel.]			
Are you being offered recreation time each day?	<input checked="" type="checkbox"/>		
How long each day?			1 hour OUTSIDE - 1 hour INSIDE
[If no, explain why and notify JRCF personnel.]			
Do you have telephone access?	<input checked="" type="checkbox"/>		
Have you made any calls?		<input checked="" type="checkbox"/>	
How many calls have you made?			
[If no, explain the procedure if the inmate wants to make a call.]			
Do you have telephonic access to your defense attorney?	<input checked="" type="checkbox"/>		
[If no, explain process and set-up an app'l if necessary.]			
Has your defense attorney visited you here?	<input checked="" type="checkbox"/>		
Have you visited your defense attorney?		<input checked="" type="checkbox"/>	
If so, was the visit on-post?			N/A
When was your last defense attorney visit?			13 DEC 2011



DATE: 15 OCT 2011CONFINEE NAME: PFC MANNING

	YES	NO
Do you have access to the JRCF Library?	✓	
Are reading materials offered to you at your cell? [If no, explain availability and procedure.]	✓	
Are you being fed every day?	✓	
How many times a day?		3
Are you being fed "hot" meals? [Note any missed meals or "cold" meals and why.]		3
Have you had any visitors other than the chain of command? If so, who?	✓	
When was the last visit?	N/A	
Do you have any visitation issues? [If so, explain policy and report to JRCF personnel.]		
If the inmate is on suicide watch: [Record what level of suicide watch – suicide risk or prevention of injury]	N/A	LEVEL
How long have you been on Suicide watch at either level?		
Do you understand why you are on suicide watch?		
When was the last time you saw a doctor/therapist/counselor?		
If so, was that visit on-post or at the JRCF?	✓	
Are you getting any prescription medications you need?	✓	
Do you get them in the doses prescribed?		
Do you get the medication on time? [If no, explain why and notify JRCF personnel, doctor, and unit.]		
Since my last visit, how have you been treated by the guards?		GOOD
Since my last visit, how have you been treated by the facility?		GOOD
Do you understand the Inmate Grievance Procedure?	✓	
Did you get an in-brief by the staff?	✓	
Did you receive the Inmate Handbook?	✓	
Have you had to use it? What for?		✓
Where you notified of the results of your grievance?	N/A	
Who notified you?		
How long did that take?		
Do you have any needs we can take care of?		
<u>RRB - CONCERNS AWARDS - DEPLOYMENT</u> <u>BEING READY WITH NEXT VISIT</u>		

Inmate Name (PRINT): MANNING BRADLEYInmate's Signature: [Signature]Date: 20 OCT 15 Time: 1030Interviewer Name: Bruce Williams, 1SG, USAInterviewer Signature: [Signature]

\*\* Original Completed Sheets will be kept on file by Commander.  
 \*\* Provide a copy to the Inmate's Trial Counsel

DEPARTMENT OF THE NAVY  
VOLUNTARY STATEMENT

PLACE  
MCCDC Quantico Base Brig  
DATE  
2011 02 06

I, MANNING, BRADLEY EDWARD

make the following

~~free and voluntary~~ statement to STAFF SERGEANT BUCK

whom I know to be DUTY BRIG SUPERVISOR

I make this statement ~~of my own free will and~~ without any threats ~~or promises~~ <sup>BEM</sup> ~~extorted~~ <sup>BEM</sup> to me, fully understand that this

statement is given concerning my knowledge of RECEIVING RECEPTION CALL DUE TO

CHARGE CLASH BETWEEN TV ~~CALL~~ CALL

BEM

R/S

MANNING, BRADLEY E.

*[Signature]*

BEM

I have been sworn to this statement by

Sec 1 - CPL Stockton, K.L. MS

VOLUNTARY STATEMENT

20110116

MANNING, BRADLEY E.

~~DEA~~

SERGEANT GARNETT

DUTY BRIG SUPERVISOR (DBS)

~~DEA~~

~~DEA~~

SECURING RECREATION CALL DUE  
TO CONFLICT OF SCHEDULING OF WEEKLY TELEVISION  
SHOWS

MANNING, BRADLEY

BEM

2011

DEPARTMENT OF THE NAVY  
VOLUNTARY STATEMENT

DATE  
MO: 11 DAY: 28  
YEAR: 2010  
2010 12 28

BRADLEY EDWARD MANNING

make the following

~~DEM~~ statement to SERGEANT GARNETT

which I know to be DUTY BRIG SUPERVISOR (DRS)

I make this statement of my own ~~DEM~~ will ~~DEM~~ and ~~DEM~~ I fully understand that this

statement is given ~~DEM~~ and my knowledge of TELEVISION CALL BEING SECURED DUE  
TO MEDICATION CALL AND SLEEP MEDICATION BEING GIVEN  
AT 2000

R/S  
MANNING, BRADLEY E.

*[Signature]*

DEM

DEM

DEPARTMENT OF THE NAVY  
VOLUNTARY STATEMENT

DATE: 20101221

BRODLEY EDWARD MANNING

DATE: 20101221

THE VOLUNTARY STATEMENT TO: SERGEANT HANKS

WHICH I KNOW TO BE: VIOLATION SUPERVISOR (PDS)

I make this statement of my own free will and without any threat or promise extended to me, fully understanding that this

statement is given concerning my knowledge of: RECREATION CALL.

I WITNY NOT TO RECEIVE RECREATION CALL TODAY P.D.S.

R/S  
MANNING, BRODLEY E.  
*[Signature]*

BEY

I have been sworn to this statement by SGT HANKS.

DEPARTMENT OF THE NAVY  
VOLUNTARY STATEMENT

DATE  
20101220  
M. T. Mannino Day 100  
101

BRODIE EDWARD MANNINO

DATE OF BIRTH

I hereby make this voluntary statement to SERGEANT GARNETT

with whom I know to be DUTY BRIG SUPERVISOR (DBS)

I make this statement of my own free will and without any threat or promise, extended to me, fully understanding the nature and consequences of the statement, as given, concerning my knowledge of voluntarily secured sunshine call  
early on 20101220

I have been sworn to this statement by \_\_\_\_\_

DEPARTMENT OF THE NAVY  
VOLUNTARY STATEMENT

MCCDC QUANTICO BASE BRIG

20101214

<sup>SEA</sup>  
~~SEA~~ BRADLEY EDWARD MANNING

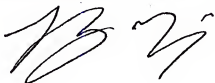
make the following

free and voluntary statement to MSGT PAPAKIE

whom I know to be BRIG SUPERVISOR

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of my sunshine call, due to extended activity during Temporary Absence (TA) from the facility and close proximity between dinner meal.

RESPECTFULLY,  
MANNING, BRADLEY E



ENCLOSURE (10)

# REPORT OF BEHAVIORAL HEALTH EVALUATION CLASSIFICATION AND ASSIGNMENT BOARD

NAME (Last, First, MI):

MANNING, BRADLEY

SSN:

445-98-9504

RCN:

REASON FOR BH EVALUATION

SUICIDE WATCH

PREVENTION OF INJURY

OTHER:

## MENTAL STATUS EXAMINATION (CHECK ALL THAT APPLY)

BEHAVIOR:	HYPERACTIVE	<u>NORMAL</u>	PASSIVE	AGGRESSIVE	HOSTILE	SUSPICIOUS	BIZARRE
LEVEL OF ALERTNESS:	<u>FULLY ALERT</u>		NULL	SOMNOLENT			
LEVEL OF ORIENTATION:	<u>FULLY ORIENTED</u>		PARTIAL	DISORIENTED			
MOOD AND AFFECT:	<u>UNREMARKABLE</u>		FLAT	DEPRESSED	LABILE	MANIC OR HYPOMANIC	
THINKING PROCESS	<u>CLEAR</u>		CONFUSED	BIZARRE	LOOSELY CONNECTED		
THOUGHT CONTENT	<u>NORMAL</u>	ABNORMAL	HALLUCINATION	PARANOID IDEATION	DELUSIONS		
MEMORY:	<u>GOOD</u>		FAIR	POOR			

\*EXPLAIN ANY ABNORMAL FINDING IN REMARKS

## FINDINGS

MENTAL DISORDER IS:	RESOLVED	IMPROVING	<u>STABLE</u>	DETERIORATING	N/A
RISK FOR SUICIDE/SELF-HARM IS:	<u>LOW</u>	MODERATE	HIGH		
RISK FOR VIOLENCE IS:	<u>LOW</u>	MODERATE	HIGH		
BEHAVIORAL DISTURBANCE:	IS	<u>IS NOT</u>	DUE TO A TREATABLE MENTAL DISORDER		
INMATE:	<u>DOES</u>	DOES NOT	NEED TO BE SEGREGATED FROM GENERAL POPULATION DUE TO A TREATABLE MENTAL DISORDER		
NEEDS FURTHER EXAMINATION:	WITHIN 24 HOURS	WITHIN 72 HOURS	<u>ROUTINE</u>	N/A	

OTHER (See Remarks)

**REMARKS:** Service Member's emotional and behavioral presentation significantly varies from that observed by myself and by the facility staff. Facility staff note increased social isolation, paucity of words during verbal interactions, poor eye contact, and reduced decorum. Facility staff state behavior is atypical of that observed of other inmates. Facility staff note possible correlation between receipt of additional charges 706 proceedings and his changed behavior. History of severe adjustment disorder with suicidal thoughts. Due diligence for self-harming behavior is not unreasonable given his change in behavior. Necessary reassurance of safety is difficult to achieve if SM chooses not to communicate with facility staff. I can not recommend changing his PoI status given his behavioral change. Axis I: Adj Pz disturbance in conduct Axis II: Deferred Axis III: None

EVALUATOR: Axis I: incarceration Axis II: 95

4/6/2011  
DATE

SIGNATURE

*[Signature]*

PRINTED NAME

ROBERT RUSSELL, LTC, MC

APPELLATE EXHIBIT 427

PAGE REFERENCED:  
PAGE 1 OF 2 PAGES

Page 31 of 38

538 of 1505



# REPORT OF BEHAVIORAL HEALTH EVALUATION CLASSIFICATION AND ASSIGNMENT BOARD

NAME (Last, First, MI): **MANNING, BRADLEY** SSN: **XXX-XX-9504** RCN: **M9504BSS**

## REASON FOR BH EVALUATION

SUICIDE WATCH

PREVENTION OF INJURY

OTHER:

## MENTAL STATUS EXAMINATION (CHECK ALL THAT APPLY)

BEHAVIOR:	HYPERACTIVE	<u>NORMAL</u>	PASSIVE	AGGRESSIVE	HOSTILE	SUSPICIOUS	BIZARRE
LEVEL OF ALERTNESS:		<u>FULLY ALERT</u>	DULL	SOMNOLENT			
LEVEL OF ORIENTATION:		<u>FULLY ORIENTED</u>	PARTIAL	DISORIENTED			
MOOD AND AFFECT:		<u>UNREMARKABLE</u>	FLAT	DEPRESSED	LABILE	MANIC OR HYPOMANIC	
THINKING PROCESS:		<u>CLEAR</u>	CONFUSED	BIZARRE	LOOSELY CONNECTED		
THOUGHT CONTENT:		<u>NORMAL</u>	ABNORMAL	HALLUCINATION	PARANOID IDEAATION	DELUSIONS	
MEMORY:		<u>GOOD</u>	FAIR	POOR			

\*EXPLAIN ANY ABNORMAL FINDING IN REMARKS

## FINDINGS

MENTAL DISORDER IS:	RESOLVED	IMPROVING	<u>STABLE</u>	DETERIORATING	N/A
RISK FOR SUICIDE/SELF-HARM IS:	<u>LOW</u>	MODERATE	HIGH		
RISK FOR VIOLENCE IS:	<u>LOW</u>	MODERATE	HIGH		
BEHAVIORAL DISTURBANCE:	IS	IS NOT	DUE TO A TREATABLE MENTAL DISORDER <u>NA</u>		
INMATE:	DOES	DOES NOT	NEED TO BE SEGREGATED FROM GENERAL POPULATION DUE TO A TREATABLE MENTAL DISORDER <u>NA</u>		
			<u>Der. to Command</u>		
NEEDS FURTHER EXAMINATION:	WITHIN 24 HOURS	WITHIN 72 HOURS	<u>ROUTINE</u>	N/A	
OTHER (See Remarks)					

## REMARKS:

SM not a danger to self or others. Denies depression. Denies negative symptoms of depression. NO anxiety reported. Denies any health issues. <sup>Being</sup> ~~providing~~ reasonable restrictions which do not cause any mental anguish. Dismissed plan with staff.

Axis I: None Axis II: None contributing Axis III: incarceration, intimacy/relationship/social distancing  
Axis IV: Histrionic personality character, Narcissistic traits (personality) Axis V: 41  
Situational

Plan: (1) Service Member Creating distance between himself and staff. Despite reasonable expectations SM can not comply to provide staff with reassurance of safety. Will likely find reasons which prevents him from complying. Will blame staff for his non compliance due to "unreasonable" <sup>and</sup> ~~the~~ perception of unreasonable demands. Will likely find other "unreasonable" demands despite ~~continued~~ <sup>ongoing</sup> efforts (Bri).  
(2) Discussed with the SM what he needs to do to comply. Replace responsibility onto the SM.

Recommendations: Continue with current plan and encourage compliance. Behavior will likely persist.

15 APR 2011 DATE EVALUATOR: [Signature] ROBERT K. RUSSELL, LTC, MC. PRINTED NAME

## INCIDENT REPORT (CORRECTIONAL FACILITY)

MCBQ-5520/10 (Rev. 6-83)

Complete this form in TRIPLICATE. Ensure that all information is CORRECT and LEGIBLE. Forward original and one copy to the Administration Chief. One copy is to be retained by the Security Chief or OIC of the individual's organization if the incident occurred outside the facility.

LOCATION OF INCIDENT			TIME	DATE
MCCDC QUANTICO BASE BRIG			1319	20110118
INDIVIDUAL(S) INVOLVED				
ID NUMBER	NAME (LAST, FIRST, M.I.)	LOCATION/DORM	INJURED (YES/NO)	DUTY STATUS
10075	MANNING, BRADLEY E.	SQ1	NO	N/A

DUTY STATUS - Light Duty, No Duty, Bed Rest, Admitted NRM, Other

DESCRIPTION OF INCIDENT AND ACTION TAKEN (USE REVERSE IF NEEDED)

SIR ON THE ABOVE TIME AND DATE WHILE PERFORMING MY DUTIES AS DUTY BRIG SUPERVISOR, I GM2 WEBB WAS GETTING SND READY FOR HIS DAILY RECREATION CALL ALONG WITH LCPL TANKERSLEY. LCPL TANKERSLEY PLACED SND IN FULL RESTRAINTS AND CALLED ON THE RADIO TO SOUND STAND BY FOR LOCKDOWN. LCPL TANKERSLEY THEN ESCORTED SND OUT OF HIS CELL AND INSTRUCTED HIM TO FACE THE "A" ROW EXIT. SND FACED THE DOOR THEN LCPL TANKERSLEY STATED AYE AYE LCPL. SND ASKED WHAT? LCPL TANKERSLEY THEN EXPLAINED TO SND THAT ANYTIME HE RESPONDS TO A STAFF MEMBER HE IS TO RESPOND AYE AYE, YES OR NO AND SAID PERSONS RANK IF ENLISTED AND SIR OR MA'AM IF COMMISSIONED. LCPL TANKERSLEY TOLD HIM LETS GO AND SND SAID "NO WAIT." I THEN EXPLAINED TO SND THAT HE IS A DETAINEE INSIDE THIS FACILITY AND ANY TIME HE IS ADDRESSED BY STAFF MEMBERS HE NEEDS TO RESPOND USING RANK OR TITLE. SND SAID YES GM2. I THEN ASKED IF HE WAS READY TO CONTINUE WITH HIS RECREATIONAL CALL AND SND REPLIED YES GM2. LOCKDOWN WAS COMMENCED AND WE (GM2 WEBB LCPL TANKERSLEY AND LCPL CLINE) ESCORTED SND TO DORM ONE FOR HIS RECREATIONAL CALL. UPON ARRIVAL TO DORM ONE WE ENTERED THE HATCH AND ESCORTED SND TO THE CENTER OF THE SPACE TO REMOVE HIS RESTRAINTS. LCPL TANKERSLEY INSTRUCTED SND NOT TO MOVE WHILE HE WAS REMOVING HIS RESTRAINTS SND DIDN'T RESPOND SO LCPL TANKERSLEY REPEATED HIMSELF TELLING SND NOT TO MOVE. SND STATED "IM NOT MOVING". LCPL TANKERSLEY TOLD SND HE NEEDED TO SAY LANCE CORPORAL THEN SND STATED "AYE LANCE CORPORAL" LCPL TANKERSLEY REMOVED SND'S RESTRAINTS AND ONCE HE REMOVED HIS HAND RESTRAINTS SND FELL BACKWARDS FALLING ON HIS BUTTOCKS LCPL TANKERSLEY AND MYSELF REACHED OUT TO CATCH HIM AND I ASKED IF HE WAS OK. HE THEN JUMPED UP AND QUICKLY RAN BEHIND A WORKOUT MACHINE MUMBULING SOMETHING AND COVERING HIS FACE. I THEN CALLED THE SECURITY CHIEF TO COME TO DORM. ONE AT THAT TIME HE UNCOVERED HIS FACE AND STARTED YELLING "IM SORRY GM2 IM SORRY LCPL" I INSTRUCTED LCPL CLINE TO GRAB A CHAIR SO THAT SND COULD SIT AND CALM DOWN. GYSGT FULLER ARRIVED AT DORM ONE AND I EXPLAINED THE OCCURRENCE OF EVENTS TO HIM. HE THEN ASKED SND IF THERE WAS ANY PARTICULAR EVENT THAT TRIGGERED SND'S REACTIONS. SND STATED HE DIDN'T UNDERSTAND WHY HE WAS BEING TREATED DIFFERENT AND THAT IT SEEMED THAT ALL THE GUARDS WERE ANXIOUS AND IT WAS MAKING HIM ANXIOUS. GYSGT FULLER ASKED WHAT COULD WE DO TO HELP YOU

TIME AMBULANCE CALLED	TIME SENT TO SICK BAY	TIME SENT TO HOSPITAL	TIME RETURNED TO FACILITY
N/A	N/A	N/A	N/A

## FOLLOWING PERSONS NOTIFIED

NAME OF PERSON MAKING CALLS		TIME
GM2 WEBB		1325
TITLE	NAME	TIME
ADMIN CHIEF	GYSGT FULLER	0900 20110117
PROGRAMS CHIEF	GYSGT BLENIS	1100 1/18/19
OPERATIONS CHIEF	SSGT LEE	
BRIG SUPERVISOR	MSGT PAPA KIE	1200 1/18/19
BRIG COMMANDER	CWO4 AVERHART	
NAME, GRADE, ORGANIZATION, TITLE (PRINT)	SIGNATURE	TIME DATE
WEBB, T GM2		1535 20110118
THIS REPORT RECEIVED IN ADMIN OFFICE BY		APPELLATE EXHIBIT 428
SIGNATURE		PAGE REFERENCED
		PAGE OF PAGES

INCIDENT REPORT (CORRECTIONAL FACILITY)  
MCBQ-5520/10 (Rev. 6-83)

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DESCRIPTION OF INCIDENT AND ACTION TAKEN (CONTINUED)

SND STATED HE DIDN'T KNOW. HE WAS THEN ASKED IF HE WANTED TO GO BACK TO HIS CELL OR CONTINUE RECREATIONAL CALL. SND STATED HE WAS OK AND IF POSSIBLE WOULD LIKE TO CONTINUE WITH HIS RECREATIONAL CALL. I CALLED FOR 2 DIFFERENT ESCORTS TO ASSIST WITH RECREATIONAL CALL AND TO RELIEVE LCPL TANKERSLY AND LCPL CLINE. CPL BALDWIN AND LCPL ARTILES ARRIVED. SND RODE A SPIN BIKE AND COMPLETED HIS RECREATIONAL CALL WITHOUT FURTHER INCIDENT. EOS-----

UNITED STATES OF AMERICA )

v. )

MANNING, Bradley E., PFC )

U.S. Army, [REDACTED] )

HHC, USAG, )

Joint Base Myer-Henderson Hall )

Fort Myer, Virginia 22211 )

**DEFENSE RESPONSE TO  
GOVERNMENT MOTION IN LIMINE  
TO EXCLUDE MOTIVE EVIDENCE**

**30 November 2012**

**RELIEF SOUGHT**

The defense respectfully requests that the Court deny the Government's 16 November Motion in Limine to Exclude Motive Evidence. The evidence described as motive evidence is actually admissible considering all of the relevant facts and law.

**BURDEN OF PERSUASION AND BURDEN OF PROOF**

The Government, as the moving party, bears the burden of proof as well as the burden of persuasion. See RCM 905.

**FACTS**

The Defense stipulates to the facts described by the Government in its motion.

**WITNESSES/EVIDENCE**

The defense does not request the production of witnesses or evidence in order to resolve any legal or factual issues with respect to this motion.

**LEGAL AUTHORITY AND ARGUMENT**

The Defense does intend to call Adrian Lamo to discuss in detail his "chat" conversations with PFC Manning. We anticipate that examination will include a discussion of PFC Manning's motivation during the charged time period. See AE 344. Likewise, the Defense intends to call Zachary Antolak to discuss those matters described on pages 3 and 4 of our Motion to Compel the Production of Witnesses, dated 23 November 2012. (See AE 408.)

Motive evidence is relevant in this case for two separate reasons: (1) the elements of certain charged offenses make PFC Manning's motivation relevant and (2) the testimony of Jihreah Showman with respect to PFC Manning's intent makes evidence of motivation proper rebuttal evidence.

This topic was generally addressed by the Defense Motion to Compel the Production of Witnesses (AE 408) discussed above. Therein, the Defense described the need to

produce Antolak and essentially requested the same relief sought in this instant motion. The Defense writes this separate response in order to address the cases cited by the Government in its Motion in Limine.

Many of the cases cited by the Government (Diaz, McGuiness, and Kiriakou) do not altogether block motivation evidence in this case because those accused, unlike PFC Manning, were not charged with Aiding the Enemy under Article 104, UCMJ. In order to find PFC Manning guilty of the Specification of Charge I, the trier of fact will have to determine that he aided the enemy with a "general evil intent...the accused had to know he was dealing, directly or indirectly, with an enemy of the United States." See AE 410. Evidence that suggests that PFC Manning's motivation was something other than to deal with an enemy would tend to make a fact of consequence (e.g. his guilty knowledge) less probable and, therefore, relevant. This same logic applies to every charged offense that requires guilty knowledge (e.g. Specifications 1, 4, 6, 8, and 12 of Charge II).

Additionally, the Government sought to introduce evidence under MRE 404(b) of an act of PFC Manning that was proof of his intent to commit the charged offenses in a motion on 3 August 2012. See AE 250. Specifically, the Government described an encounter that PFC Manning had with then-SPC Jihreah Showman, another Solider assigned to HHC, 2/10 at Fort Drum, prior to their deployment to Iraq. During this conversation, SPC Showman recalls PFC Manning telling her that he has no loyalty to his country. The Court granted the Government's motion with respect to this particular piece of evidence and will allow it for its tendency, if any, to prove PFC Manning's intent with respect to the charged offenses. See AE 287.

The Defense believes that the evidence described in the preceding paragraph opens the door to motive evidence. A closer examination of US v. Huet-Vaughn, 43 M.J. 105 (CAAF 1995) is instructive with respect to this point. As indicated by the Government in its brief, CAAF used that case to distinguish between motive and intent by distinguishing between an immediate intent and an ulterior one. See Huet-Vaughn, 43 M.J. at 113-114. The former is the requisite intent in order to commit a crime; the latter is often inadmissible motive when offered by an accused on the merits. Id.

The Defense submits that the Showman intent evidence is only relevant to describe an ulterior (and not immediate) intent of PFC Manning. That conclusion is compelled when you examine "404(b) intent cases" that are emblematic of a more immediate intent: US v. Sweeney, 48 M.J. 117 (CAAF 1998) (stalking of ex-wife is relevant in prosecution of stalking current wife) and US v. Harrow, 65 M.J. 190 (CAAF 2007) (evidence of assaultive behavior toward daughter is evidence when accused is charged with her premeditated murder). These cases show the difference between putting on evidence of another crime or simply another act. Evidence of another crime like those cited earlier in this paragraph will more often supply a more "immediate" intent.

There are plenty of 404(b) "intent" cases that seem to more accurately describe the ultimate criminal "motive" of an accused: US v. Henry, 55 M.J. 108 (CAAF 2000)

(evidence of pornographic video order form possession admissible when accused is charged with making a minor watch pornography with him) and US v. Hays, 62 M.J. 158 (CAAF 2005) (intent evidence of explicit emails admissible when accused is charged with solicitation to commit rape of a minor). The Court can see that this evidence, while called evidence of intent, is ultimately more probative of the criminal motive of an accused. The testimony of Showman will describe conduct that falls more within this line of cases. As such, the Court must allow the Defense to rebut the Government's 404(b) evidence.

The "pigeon holes" of 404(b) should be of no moment to the Court in making this determination to allow the Defense to rebut the Showman "intent" evidence with the Lamo and Antolak "motivation" evidence. It is long settled that a trial judge should not be particularly concerned with how this evidence is characterized. See US v. Castillo, 25 M.J. 145 (CMA 1989).

The Defense would certainly understand any desire to avoid over-litigation of a collateral matter. However, the evidence offered by the Government through Showman must be put in its appropriate context. Stated bluntly, Lamo and Antolak will impeach the evidence from Showman by contradiction, showing that her testimony should be given little weight when considered in the context of all the other evidence at trial.

#### CONCLUSION

The defense respectfully requests that the Court deny the Government's 16 November Motion in Limine to Exclude Motive Evidence. The evidence described as motive evidence is actually admissible considering all of the relevant facts and law.

*Thomas F. Hurley*  
THOMAS F. HURLEY  
MAJ, JA  
Defense Counsel

IN THE UNITED STATES ARMY  
FIRST JUDICIAL CIRCUIT

UNITED STATES )

v. )

MANNING, Bradley E., PFC )

U.S. Army, [REDACTED] )

Headquarters and Headquarters Company, U.S. )

Army Garrison, Joint Base Myer-Henderson Hall, )

Fort Myer, VA 22211 )

**DEFENSE RESPONSE TO  
GOVERNMENT MOTION FOR  
JUDICIAL NOTICE**

DATED: 30 NOVEMBER 2012

RELIEF SOUGHT

1. PFC Bradley E. Manning, by and through counsel, moves this court to deny the Government's motion for judicial notice.

BURDEN OF PERSUASION AND BURDEN OF PROOF

2. As the moving party, the Government has the burden of persuasion. R.C.M. 905(c)(2). The burden of proof is by a preponderance of the evidence. R.C.M. 905(c)(1).

FACTS

3. PFC Manning is charged with five specifications of violating a lawful general regulation, one specification of aiding the enemy, one specification of disorders and neglects to the prejudice of good order and discipline and service discrediting, eight specifications of communicating classified information, five specifications of stealing or knowingly converting government property, and two specifications of knowingly exceeding authorized access to a government computer, in violation of Articles 92, 104, and 134, Uniform Code of Military Justice (UCMJ) 10 U.S.C. §§ 892, 904, 934 (2010).

4. The original charges were preferred on 5 July 2010. Those charges were dismissed by the convening authority on 18 March 2011. The current charges were preferred on 1 March 2011. On 16 December through 22 December 2011, these charges were investigated by an Article 32 Investigating Officer. The charges were referred on 3 February 2012.

WITNESSES/EVIDENCE

5. The Defense does not request any witnesses be produced for this motion.

APPELLATE EXHIBIT 430

FILED IN: 13-00000000

DATE: 01/01/2012

## LEGAL AUTHORITY AND ARGUMENT

6. The Defense objects to the admission of the Government's Enclosures to its Motion for Preliminary Determination on Admissibility of Evidence dated 16 November 2012 and will address each Government Enclosure in turn.

### I. Government Enclosures 1-9, 15, 16, 18, and 19

7. The Defense objects to the Court taking judicial notice of the above Enclosures because the Government has made no showing of the Enclosures' relevance. MREs 401 and 402 establish that any evidence "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence" is relevant and admissible. Absent a showing by the Government that the instant Enclosures are relevant, judicial notice would not be proper. Should the Court find Enclosures 1-9, 15, 16, 18, and 19 are relevant, the Defense has no objection to the Court taking judicial notice of the requested documents. The Defense would, however, request the Court limit its judicial notice to those specific portions of the Enclosures for which the Government is able to establish relevance.

### II. Government Enclosures 10-14, 20 and 21

8. The Defense objects to the Court taking judicial notice of the above Enclosures because the Government has made no showing of the Enclosures' relevance. MREs 401 and 402 establish that any evidence "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence" is relevant and admissible. Absent a showing by the Government that the instant Enclosures are relevant, judicial notice would not be proper.

9. If the Court finds that Enclosures 10-14, 20, and 21 are relevant, the Defense objects to the Court taking judicial notice because they are inadmissible hearsay. On 18 October 2012 this Court ruled that a statements appearing in a newspaper are admissible "only if the newspaper article within which the statements appear qualify for a hearsay exception." *See* Appellate Exhibit 356 at 11. Here, Enclosures 10-14, 20 and 21 contain statements that appeared in newspapers or other publications. Not only has the Government failed to offer the Court a hearsay exception for the publications in which the statements appear, it has also failed to articulate a hearsay exception for the statements themselves. Because the Government has failed to articulate the necessary hearsay exceptions for Enclosures 10-14, 20 and 21, the Defense requests this Court deny the Government's request for judicial notice.

### III. Government Enclosure 17

10. The Defense objects to the Court taking judicial notice of the above Enclosures because the Government has made no showing of the Enclosures' relevance. MREs 401 and 402 establish that any evidence "having any tendency to make the existence of any fact that is of consequence



to the determination of the action more probable or less probable than it would be without the evidence" is relevant and admissible. Particularly troubling about this Enclosure is the fact that no publication date is evident. The only date which appears on the Enclosure is the date on which the Government presumably printed the document, 16 November 12. It is hard to contemplate a showing of relevance for an undated document. Absent a showing by the Government that the instant Enclosures are relevant, judicial notice would not be proper.


### CONCLUSION

11. To summarize, the Defense makes the following objections:

- Enclosure 1, Army Field Manual 2-0—Relevance
- Enclosure 2, Army Field Manual 2-19.4—Relevance
- Enclosure 3, Army Field Manual 2-22.2—Relevance
- Enclosure 4, Army Field Manual 2-22.3—Relevance
- Enclosure 5, Army Soldier's Manual and Trainer's Guide "Soldier's Manual and Trainer's Guide for Intelligence Analysis, MOS 35F, Skill Level 1/2/3/4"—Relevance
- Enclosure 6, Executive Order 12958—Relevance
- Enclosure 7, Executive Order 12972—Relevance
- Enclosure 8, Executive Order 13142—Relevance
- Enclosure 9, Executive Order 13292—Relevance
- Enclosure 10, BBC news report—Relevance and Hearsay
- Enclosure 11, New York Times article—Relevance and Hearsay
- Enclosure 12, New Yorker Article—Relevance and Hearsay
- Enclosure 13, Washington Post news article—Relevance and Hearsay
- Enclosure 14, Armed Forces Press Service news article—Relevance and Hearsay
- Enclosure 15, Department of State enemy designation—Relevance
- Enclosure 16, FBI designation of Adam Yahye Gadahn as terrorist—Relevance
- Enclosure 17, Department of State website—Relevance
- Enclosure 18, State Department enemy designation—Relevance
- Enclosure 19, State Department testimony—Relevance
- Enclosure 20, "Inspire" magazine—Relevance and Hearsay
- Enclosure 21, The Winter 2010 issue of "Inspire"—Relevance and Hearsay

12. Based on the above, the Defense requests that the Court deny the Government's motion for judicial notice.

Respectfully submitted,



JOSHUA J. TOOMAN  
CPT, JA  
Defense Counsel



**I. THIS COURT SHOULD DECLINE TO TAKE JUDICIAL NOTICE OF H.R. 553 ON THE MERITS AS, PURSUANT TO MRE 201A, ITS RELEVANCE TO THE ACTION AT ISSUE IS A PREREQUISITE FOR JUDICIAL NOTICE.**

**The Law: Judicial Notice and Relevance**

MRE 201 governs judicial notice of adjudicative facts. *See* Appellate Exhibit 356. Judicially noticed facts must be those not subject to reasonable dispute in that they are either generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *See id.* The military judge must take judicial notice of adjudicative facts if requested by a party and supplied with the necessary information. MRE 201(d).

Judicial notice is only appropriate for adjudicative facts, not for inferences a party hopes the fact finder will draw from the fact(s) judicially noticed. *See* Appellate Exhibit 356. Accordingly, judicial notice is not appropriate for legal arguments and conclusions. *Id.* Moreover, Appendix 22 of the Manual for Courts-Martial, which sets forth analysis of the Military Rules of Evidence, explains that “adjudicative facts” are to be distinguished from “legislative facts.” The Federal Rules of Evidence Advisory Committee defined “legislative facts” as rules “which have relevance to legal reasoning and the lawmaking process, whether in the formulation of a legal principle or ruling by a judge or court or in the enactment of a legislative body.”

Domestic law may be judicially noticed pursuant to MRE 201A “insofar as a domestic law is a fact that is of consequence to the determination of the action.”

Relevant evidence means evidence having any tendency to make the existence of any fact of consequence to the determination more or less probable than it would be without the evidence. MRE 401.

**Application to the Facts**

The defense is correct in stating that H.R. 553 “was signed into law by the President of the United States, and unquestionably qualifies as domestic law as contemplated by MRE 201A.” However, MRE 201A also states that domestic law is appropriate for judicial notice only when it is a “fact that is of consequence to the determination of the action” at issue. *See* MRE 201A. Here, the law itself is not a fact determinative of any issue in the present case. Instead, the defense attempts to extract from the law certain conclusions. Such findings appear to set forth the factors motivating congressional attention to the issue. Therefore, they are not adjudicative facts in and of themselves, but rather appear to be precisely the sort of “legislative fact” contemplated by the Federal Rules of Evidence Advisory Committee. As such, they are not appropriate for judicial notice under MRE 201.

Additionally, the statements that the defense motion expresses interest in do not satisfy MRE 201A. These congressional findings, the defense alleges, indicate that over-classification

problems result in confusion about what information can be shared with whom. Moreover, they assert they are relevant in rebuttal against the accused's knowledge at the time of the misconduct. First, as indicated above, MRE 201A requires the law to be a fact of consequence to the action at issue. *See* MRE 201A. Therefore, while it would be appropriate to take judicial notice that H.R. 533 exists if the fact of the law's existence were determinative, it is not appropriate to take judicial notice of the content of the legislative opinions it contains—except insofar as the law truthfully expresses Congressional will. The law is not at issue. Thus, H.R. 533, and by extension, its conclusions, are not appropriate for judicial notice as contemplated by the plain language of MRE 201A.

However, assuming *arguendo* that the content of the law and the assertions contained within are the type of facts contemplated by MRE 201A, it would still need to have been a fact available to the accused at the time of his misconduct in order to affect his state of mind at the time and thus be relevant. As the law itself was not published until December of 2010, this is impossible. Moreover, even if the law is merely memorializing circumstances which existed at that time, contemporaneous evidence of those circumstances (which may have gone in to the making of the law) and not the later-published law itself is what the defense should seek to admit.

To conclude, defense seeks judicial notice of statements in a law and not of the law itself. This is not permitted by MRE 201A. Moreover, even if the facts within the law are those statements contemplated by MRE 201A, they cannot establish what the defense proffers and are thus irrelevant. For this reason, they cannot be relevant to the action at hand, and thus are not appropriate for judicial notice under MRE 201 and 201A.

## **II. THE COURT SHOULD DECLINE TO TAKE JUDICIAL NOTICE OF THE 2010 TESTIMONY OF THOMAS BLANTON AS THE TESTIMONY DOES NOT COUNT AS ADJUDICATIVE FACT, REPRESENTS HEARSAY WITHIN HEARSAY, AND IS ALSO IRELEVANT.**

### **The Law of Judicial Notice**

MRE 201 governs judicial notice of adjudicative facts. *See* Appellate Exhibit 356. Judicially noticed facts must be those not subject to reasonable dispute in that they are either generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *See id.* The military judge must take judicial notice of adjudicative facts if requested by a party and supplied with the necessary information. MRE 201(d).

Judicial notice is only appropriate for adjudicative facts, not for inferences a party hopes the fact finder will draw from the fact(s) judicially noticed. *See* Appellate Exhibit 356. Accordingly, judicial notice is not appropriate for legal arguments and conclusions. *Id.* Moreover, Appendix 22 of the Manual for Courts-Martial, which sets forth analysis of the Military Rules of Evidence, explains that “adjudicative facts” are to be distinguished from “legislative facts.” The Federal Rules of Evidence Advisory Committee defined “legislative

facts” as rules “which have relevance to legal reasoning and the lawmaking process, whether in the formulation of a legal principle or ruling by a judge or court or in the enactment of a legislative body.”

### **Application to the Facts**

The content of Mr. Blanton’s testimony before Congress does not represent adjudicative fact. It is the expression of his own opinion. The only judicially noticeable fact is that it was captured accurately by congressional reporting. As with the statement by John Conyers, which this Court declined to take judicial notice of in its 18 October 2012 ruling in Appellate Exhibit 356, despite the formal circumstances under which the statements were made, Mr. Blanton’s statement reflects his personal conclusions. Moreover, given the forum of his testimony, it appears his statements were made to advise Congress as it considers the formulation of policy and thus, precisely the sort of “legislative facts” not appropriate for judicial notice.

### **The Law: Hearsay Exception MRE 803(8) and Hearsay within Hearsay**

MRE 803 (8) provides that public records and reports are also exceptions to hearsay evidentiary limitations. It states, in relevant part, that:

Records, reports, statements, or data compilations, in any form, of public office or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, matters observed by police officers and other personnel acting in a law enforcement capacity, or (C) against the government, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.

MRE 805 states that “hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statements conforms with an exception to the hearsay rule provided in these rules.”

### **Application to the Facts**

The Court has stated that “a Congressional record could be admissible under MRE 803(A) if relevant.” See Appellate Exhibit 356. As such, the Congressional record proffered by the defense could, if relevant, be admitted as an exception to hearsay for the truth of what it asserts. However, the truth of what this record asserts is not the truth of what Mr. Blanton asserts, but rather that Mr. Blanton asserted it the way he did. To illustrate this point, suppose Congress heard testimony of a bigot or racist, or perhaps a paranoid schizophrenic. Even if relevant, their statements should not be admitted for the truth of what they assert merely because captured by a reliable report. Instead, the method of reporting merely assures the Court that statements were truthfully reported. As a declarant unavailable to testify as to the truth of what he asserts, Mr. Blanton’s testimony is hearsay not subject to exception under MRE 803(A). Moreover, to the extent that Mr. Blanton’s testimony relates the findings and opinions of others

("Governor Tom Kean, head of the 9/11 Commission, after looking at all the al Qaeda intelligence . . . said, you know, 75 percent of what I saw that was classified should not have been"), the testimony constitutes hearsay within hearsay as described in MRE 805.

#### **The Law: Relevance**

Relevant evidence means evidence having any tendency to make the existence of any fact of consequence to the determination more or less probable than it would be without the evidence. MRE 401.

#### **Application to the Facts**

Assuming *arguendo*, that the testimony at issue is admissible as part of a Congressional record, it is still not relevant to the case. First, as the opinions expressed belong to Mr. Blanton, they have no bearing on the accused's state of mind at the time of his misconduct. Moreover, as Mr. Blanton's testimony is discusses over-classification generally and was delivered after the accused's misconduct, it does not speak at all to the specifications charged, or the accused's misconduct on which they were based. It is thus entirely irrelevant to the merits section of the case.

### **III. THE COURT SHOULD DECLINE TO TAKE JUDICIAL NOTICE OF THE CONTENT OF CONGRESSIONAL HEARINGS IN 2007.**

#### **The Law: Judicial Notice, Hearsay, and Relevance**

MRE 201 governs judicial notice of adjudicative facts. *See* Appellate Exhibit 356. Judicially noticed facts must be those not subject to reasonable dispute in that they are either generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *See id.* The military judge must take judicial notice of adjudicative facts if requested by a party and supplied with the necessary information. MRE 201(d).

Judicial notice is only appropriate for adjudicative facts, not for inferences a party hopes the fact finder will draw from the fact(s) judicially noticed. *See* Appellate Exhibit 356. Accordingly, judicial notice is not appropriate for legal arguments and conclusions. *Id.* Moreover, Appendix 22 of the Manual for Courts-Martial, which sets forth analysis of the Military Rules of Evidence, explains that "adjudicative facts" are to be distinguished from "legislative facts." The Federal Rules of Evidence Advisory Committee defined "legislative facts" as rules "which have relevance to legal reasoning and the lawmaking process, whether in the formulation of a legal principle or ruling by a judge or court or in the enactment of a legislative body."

MRE 803 (8) provides that public records and reports are also exceptions to hearsay evidentiary limitations. It states, in relevant part, that:

Records, reports, statements, or data compilations, in any form, of public office or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, matters observed by police officers and other personnel acting in a law enforcement capacity, or (C) against the government, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.

Relevant evidence means evidence having any tendency to make the existence of any fact of consequence to the determination more or less probable than it would be without the evidence. MRE 401.


### **Application to the Facts**

The comments expressed in the 2007 House hearings are not appropriate for judicial notice. These comments represent legislative and not adjudicative fact. It might be appropriate to take judicial notice of the fact that Congress held hearings in 2007, but not the content of the statements. Moreover, the statements do not constitute a congressional record under MRE 803(8)(A), as contemplated by Appellate Exhibit 356.


Further, the United States grants that the defense-cited testimony of the Director of Information Security Oversight Office differs from the other cited statements in that it (1) asserts a quantifiable fact not restated from another declarant, and (2) was offered prior to the alleged misconduct. Therefore, this specific utterance is more reliable than others. However, in order for this to be relevant on the merits to the accused's knowledge at the time of the misconduct, there must be evidence that the accused was aware of the over-classification issue. Lastly, any relevance this may have to an allegedly "broken system" is confined to pre-sentencing, not a merits inquiry.

### **CONCLUSION**

The United States respectfully requests the Court deny the defense motion to take judicial notice of the congressional materials. The United States further requests the Court find these documents inadmissible under the theories proffered and irrelevant to the merits phase of the case at hand as outlined above. Additionally, based on this filing the United States intends to file a motion in limine for this Court to preclude the defense from raising evidence of over-classification at trial.

  
JODEAN MORROW  
CPT, JA  
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Defense Counsel via electronic mail on 30 November 2012.

  
JODEAN MORROW  
CPT, JA  
Assistant Trial Counsel



UNITED STATES OF AMERICA )

v. )

Manning, Bradley E. )  
PFC, U.S. Army, )  
HHC, U.S. Army Garrison, )  
Joint Base Myer-Henderson Hall )  
Fort Myer, Virginia 22211 )

Government Response  
to Defense Motion for Judicial  
Notice of ONCIX, IRTF, and  
DOS Damage Assessments

30 November 2012

### RELIEF SOUGHT

COMES NOW the United States of America, by and through undersigned counsel, and respectfully requests this Court deny the Defense Motion for Judicial Notice of Department of State (DOS), Office of the National Counterintelligence Executive (ONCIX), and Information Review Task Force (IRTF) Damage Assessments.

### BURDEN OF PERSUASION AND BURDEN OF PROOF

As the moving party, the defense has the burden of persuasion on any factual issue the resolution of which is necessary to decide the motion. *Manual for Courts-Martial (MCM)*, *United States*, Rule for Courts-Martial (RCM) 905(c)(2) (2012). The burden of proof is by a preponderance of the evidence. RCM 905(c)(1).

### FACTS

The United States stipulates to the facts as set forth in the defense motion.

### WITNESSES/EVIDENCE

The United States requests this Court consider its Ruling on the Defense Motion for Judicial Notice of Adjudicative Facts – Finkel Book and Public Statements, dated 18 October 2012.

### LEGAL AUTHORITY AND ARGUMENT

The defense requests this Court take judicial notice of the ONCIX, DOS, and IRTF damage assessments pursuant to Military Rule of Evidence (MRE) 201. The defense proceeds to argue that not only do the damage assessments satisfy requirements for taking judicial notice, but that they are also independently admissible. The defense arguments have no merit. The damage assessments are inappropriate for judicial notice, and also inadmissible under MREs 801 and 803. Each issue with the defense motion is addressed below.

**I. THE COURT SHOULD DECLINE TO TAKE JUDICIAL NOTICE OF THE DAMAGE ASSESSMENTS AT ISSUE, AS THE CONTENT OF THE DOCUMENTS IS NOT AN ADJUDICATIVE FACT.**

## **The Law**

MRE 201 governs judicial notice of adjudicative facts. *See* Appellate Exhibit 356. Judicially noticed facts must be those not subject to reasonable dispute in that they are either generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *See id.* The military judge must take judicial notice of adjudicative facts if requested by a party and supplied with the necessary information. MRE 201(d).

Judicial notice is only appropriate for adjudicative facts, not for inferences a party hopes the fact finder will draw from the fact(s) judicially noticed. *See* Appellate Exhibit 356. Accordingly, judicial notice is not appropriate for legal arguments and conclusions. *Id.*

## **Application to the Facts**

The damage assessments produced by the IRTF, ONCIX, and DOS are a compilation of subject matter experts' opinions assessing the state of affairs at the time the relevant assessment was finalized or otherwise drafted by the organization. They were geared toward documenting the impact of the accused's misconduct on department or organization operations. The documents themselves do not purport to express facts only. Moreover, neither the information contained within them, nor the conclusions of their authors, are based on information generally known or capable of accurate and ready determination. With respect to the DOS draft assessment, the document was never finalized nor officially vetted; thus, it is questionable whether the assessment is reliable at all. The United States is therefore prepared to accept judicial notice be taken that (1) these documents exist, and (2) they purport to convey their respective Department's qualitative assessment of the impact of the accused's misconduct at a specific period in time. However, for the reasons detailed, the United States does not find it appropriate to take judicial notice of the content of the assessments, and in so doing, afford the conclusions contained within the assessments the imprimatur of fact.

## **II. THE COURT SHOULD DECLINE TO ADMIT THE DAMAGE ASSESMENTS AT ISSUE UNDER BOTH THE NON-HEARSAY AND HEARSAY EXCEPTION THEORIES OFFERED BY THE DEFENSE.**

*As Non-Hearsay: Admissions by a Party Opponent Under MRE 801(d)(2)(B) or MRE 801(d)(2)(D)*

## **The Law**

In its ruling on 18 October 2012, this Court adopted the three-part test articulated by the Second Circuit in *United States v. Salerno* to determine if the statements at issue in the defense motion were admissible against the government and worthy of judicial notice. *See* Appellate Exhibit 356. The test requires the Court, "[to] be satisfied that the prior [statement] involves an assertion of fact inconsistent with similar assertions in a subsequent trial. Second, the court must

determine that the [statements] were such as to be the equivalent of testimonial statements . . . Last, the district court must determine by a preponderance of the evidence that the inference that the proponent of the statements wishes to draw is a fair one and that an innocent explanation for the inconsistency does not exist.” *Id.*

This Court has ruled that “to qualify for admission as a statement against a party opponent, the statement must bear such a close resemblance to in-court testimony that they may be considered its functional equivalent.” *Id.* Inconsistency highlighted by the use of a party admission should moreover be clear and obviate any need for the trier of fact to explore other circumstances surrounding the issuance of the prior statement. *See id.* Casual statements made to private individuals, with no expectation of conveyance beyond the listener, are not testimonial, even if highly incriminating to another. *Id.* Moreover, statements are not testimonial if the declarant did not make the statements thinking they would be available for use at a later court proceeding. *Id.*

### **Application to the Facts**

In its motion, the defense argues that the “damage assessments are statements made by individuals that clearly qualify as a party opponent” as the departments are “closely related to the prosecution in this case” and were “directly affected by the leaks for which [the accused] has been charged.” Def. Mot. at 3. However, as indicated above, the prosecution must generally manifest its belief in the truth of such statements. To date, the prosecution has not manifested its belief in the truth of any of the statements made in the damage assessments.

Additionally, the defense states that “the primary purpose of [the assessments] was to convey unambiguous, factual information to the highest levels of our government.” Def. Mot. at 3. The defense is speaking out of both sides of its mouth. They argue that the damage assessments convey unambiguous factual information, knowing full well that the assessments are basically a compilation of subject matter experts’ opinions assessing the state of affairs at the time the relevant assessment was finalized or otherwise drafted by the organization.

Moreover, the damage assessments are not admissible under the three-part test articulated by the Second Circuit in *Salerno* and set forth above. There is no reason to expect witnesses from the organizations to testify inconsistently with the damage assessments, nor any reason to hold the prosecution responsible for assessment conclusions absent any prior manifestation by the prosecution indicating a belief in their veracity. Also, should a witness from the department concerned testify in a manner that contradicts the content of the assessment, there is no reason to believe there is not an innocent explanation for this inconsistency, nor any reason to believe further inquiry into the circumstances surrounding the assessment’s formulation could not resolve any apparent inconsistency. Lastly, these damage assessments are not testimonial in nature. This is especially true for the DOS assessment, as the Court has acknowledged its nature as a draft document. Finally, the damage assessments were not done in anticipation of litigation, but because of each organization’s own operational priorities. In fact, damage assessments are generally not completed until after the conclusion of criminal proceedings.

*As Exception to Hearsay: MRE 803(6)*

## **The Law**

MRE 803(6) permits records of regularly conducted activity to be admitted as evidence as an exception to hearsay. It reads in relevant part:

A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, or by certification that complies with Mil. R. Evid. 901(11) or any other statute permitting certification in a criminal proceeding in a court of the United States unless the source of the information or the method or circumstances of preparation indicate a lack of trustworthiness.

## **Application to the Facts**

The defense asserts that Army Regulation 380-5, para 10-5(a), requires information holders to notify original classification authorities (OCAs) of information compromise, and also provides that these OCAs will, in turn, conduct an investigatory damage assessment. *See* Def. Mot. at 4. It offers this authority presumably to establish that such assessments are routine business activity. However, AR 380-5 is a regulatory authority internal to the Army. It holds no authority over the larger Department of Defense and the Department of State, and no authority over ONCIX. Additionally, damage assessments are by nature ad hoc and reactive. As the compromise of closely held information is not a regular business activity, damage assessment evaluating the impact of unauthorized disclosures are hardly regular.

*As Exception to Hearsay: MRE 803(8)*

## **The Law**

MRE 803 (8) provides that public records and reports are also exceptions to hearsay evidentiary limitations. It states, in relevant part, that:

Records, reports, statements, or data compilations, in any form, of public office or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, matters observed by police officers and other personnel acting in a law enforcement capacity, or (C) against the government, factual findings resulting from an investigation made pursuant to authority granted by law, unless the sources of information or other circumstances indicate lack of trustworthiness.

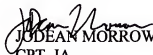
The analysis of this rule notes that "great care must be taken to distinguish such factual determinations from opinions, recommendations, and incidental inferences." Appendix 22, MCM.

#### **Application to the Facts**

The damage assessments at issue do none of the things covered in MRE 803(8). They do not set forth the activities of the agency. Instead, they are designed to assess the impact of a particular incident. Moreover, they are not a simple recitation of events observed, but instead the subjective evaluation and analysis of events. Finally, the damage assessments are not the result of an investigation conducted pursuant to authority granted by law.

#### **CONCLUSION**

The United States respectfully requests the Court deny the defense motion to take judicial notice of the DOS, ONCIX, and IRTF damage assessments. The United States further requests the Court find these documents inadmissible under the theories proffered by the defense.

  
JODEAN MORROW  
CPT, JA  
Assistant Trial Counsel

I certify that I served or caused to be served a true copy of the above on Defense Counsel via electronic mail on 30 November 2012.

  
JODEAN MORROW  
CPT, JA  
Assistant Trial Counsel

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Written by  
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QUANTICO, Va. (WUSA) -- Scores of anti-war protesters braved the weather Monday to try and push past guards at the Marine Corps Base in Quantico.

They are trying to win the release of Pfc. Bradley Manning, the man accused of handing secret cables over to WikiLeaks. Manning is being held in "maximum confinement" in the Quantico brig.

The protesters insist Manning's a hero -- not a traitor.

The anti-war protesters briefly blocked the exit. "You're on federal property. Please move!" a guard told them, and they finally pulled back to stage their demonstration on the grass near the two Jima statue.

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The protest was organized by activist Pat Elder and the Defending Dissent Foundation, among others. The demonstrators thought Martin Luther King Day was a good day to make a point about what they see as the military's violation of Bradley Manning's civil rights.

"Arrest the real criminals!" yelled one demonstrator.

Another told the guards, "We've got the Constitution on our side!"

While WikiLeaks founder Julian Assange holds news conferences and serves a kind of high tech house arrest at a luxurious British mansion, the man who may have made him famous is confined to a six by twelve foot jail cell at Quantico in virtual

isolation as a national security risk.

"Twenty three hours a day in a small cell, woken up every five minutes," complained Colleen Rowley, the former FBI special agent and 9/11 whistleblower who joined the first part of the protest outside FBI headquarters.

The Justice Department is still trying to figure out a charge to lodge against Assange. Manning on the other hand is facing as much as 52 years in prison for leaking 100s of thousands of documents he allegedly dubbed while serving as a low-level Army intelligence analyst.

The material includes a video of an American helicopter crew killing two Reuters photojournalists and ten other people in Baghdad.

"We believe that Bradly Manning will be seen eventually as a hero, as a whistleblower," says organizer Pat Elder.

"If you want to stop this war, give information to the public so they can say to Congress, stop this war, that's a supervening value," says former CIA analyst Ray McGovern, who was also among the protestors.

A Marine spokesman rejects the allegations of mistreatment... saying Manning's jailers are treating exactly the same as any other national security detainee.

Manning's lawyer has asked for his pre-trial release. The allegations of mistreatment have drawn the attention of the UN's special investigator on torture, who's sent a formal inquiry to the State Department.

Written by Bruce Leshan  
9News Now & wusa9.com



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## Roads closing today for Quantico 'WikiLeaks' prisoner protest

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John BoatNews&Messenger

About 150 people protested outside Quantico Marine Corps Base waving flags, holding banners and shouting through a microphone to free Bradley Manning, who is currently held in the brig on charges that he release classified information to WikiLeaks on the Quantico Marine Corps Base, on January 17, 2011.

Posted: Friday, March 18, 2011 1:48 pm | Updated: 3:59 pm, Fri Nov 16, 2012.

Karl Pugh | 0 comments

Hundreds of people are expected to gather Sunday to rally in support of Army Pfc. Bradley Manning, the accused WikiLeaks whistleblower being held in the brig at Quantico Marine Corps base.

The Virginia Department of Transportation on Friday issued a traffic alert asking motorists to avoid U.S. 1 between Russell Road and Brady's Hill Road from noon to 5 p.m. due to the protest.

VDOT plans to close Fuller Heights Road at the main gate to Quantico at noon Sunday and reduce traffic on U.S. 1 to one lane each direction.

Access to Fuller Heights Road from Fuller Road will be prohibited and motorists should use Graham Park Road to Old Triangle Road.

Manning has been held in the Quantico brig since July awaiting trial.

Sunday's rally is endorsed by the Bradley Manning Support Network, Veterans for Peace, Courage to Resist, CodePink and many other groups. Pentagon Paper's whistleblower Daniel Ellsberg is among those expected to attend.

The protesters are planning to park at the National Museum of the Marines Corps, gather near U.S. 1 and Anderson Road in Triangle and then march to the Quantico main gate.

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(15) Detroit (22-13)

**From:** Papakie MSgt Brian R  
**Sent:** Thursday, July 29, 2010 9:33 AM  
**To:** 'jamesaverhart@yahoo.com'  
**Subject:** FW: Brig visits ICO Det Manning  
**Signed By:** brian.papakie@usmc.mil

-----Original Message-----

**From:** Blenis GySgt Craig M  
**Sent:** Thursday, July 29, 2010 8:53  
**To:** Hocter, William J.  
**Cc:** Averhart CWO4 James T; Papakie MSgt Brian R  
**Subject:** RE: Brig visits ICO Det Manning

GTG Sir. He's not here yet but we expect him today and he will be full suicide watch so tomorrow for a first visit is good. Wasn't there another Psych MO with you previously that was Army? Mr. David Weis has a med.army.mil e mail address so I was assuming that he's in the Army. My thoughts were that it may help on both ends if this guy was also seen by a same service MO as well.

R/S  
GySgt Blenis

-----Original Message-----

**From:** Hocter, William J. [<mailto:William.Hocter@med.navy.mil>]  
**Sent:** Thursday, July 29, 2010 8:46 AM  
**To:** Blenis GySgt Craig M  
**Cc:** Papakie MSgt Brian R; Averhart CWO4 James T  
**Subject:** RE: Brig visits ICO Det Manning

I'll come in to see him more often. Is tomorrow ok for a first visit, or do you need me to come in today? Obviously, please put him on full precautions until I see him. LCDR Weis is Navy (though he's a fellow at WRAMC)-I'm not sure what having him come in more frequently would accomplish.

R/  
CAPT Hocter

-----Original Message-----

**From:** Blenis GySgt Craig M [<mailto:craig.blenis@usmc.mil>]  
**Sent:** Thursday, July 29, 2010 8:40 AM  
**To:** Hocter, William J.  
**Cc:** [brian.papakie@usmc.mil](mailto:brian.papakie@usmc.mil); [james.averhart@usmc.mil](mailto:james.averhart@usmc.mil)  
**Subject:** Brig visits ICO Det Manning

Good morning Sir,  
I am contacting you in regards to a Det Manning who we expect to receive into confinement today. He is a high profile case, so much so that we strongly anticipate the media to be knocking on our door fairly often. He has been deemed a high risk of harm to himself from as high as a MajGen in the Army. HQMC has already contacted us stressing the attention that we are going to receive from housing this Soldier. From your end I am asking if you can make at least a second weekly visit or a third if you can, just to see

this Detainee. Also, being that he is Army can you see if Captain Weis can make at least a weekly visit for this Soldier as well. Let me know what you can do and I'll be able to brief you better tomorrow when I see you. Thanks Sir.

R/S

GySgt Blenis


784-6862/2718

**From:** Blenis GySgt Craig M  
**Sent:** Tuesday, November 30, 2010 5:41 PM  
**To:** Averhart CWO4 James T (james.averhart@usmc.mil)  
**Cc:** Papakie GySgt Brian R (brian.papakie@usmc.mil)  
**Subject:** Phone call with Mr. Coombs  
**Signed By:** craig.blenis@usmc.mil

**Categories:** Green Category

Good afternoon Sir,  
I just got off the phone with Mr. David Coombs in regards to Det Manning. He asked me about any unusual behavior that Manning has exhibited recently and I replied, without giving any specifics, that some guards have seen Manning act strangely. LtCol Coombs stated that he heard that Manning has been licking the bars to his cell and sleep walking. Because he has obviously been briefed from some party, I did confirm that Manning has been observed licking the bars to his cell while appearing to be sleeping. I did not go into any other specifics, at which time LtCol Coombs asked if Manning has been seen by Capt Hocker. I told LtCol Coombs that Capt Hocker most recently saw Manning on 19 November, and unless Capt Hocker is on leave/TAD, he sees Manning every Friday. I'm bringing this to your attention because the specifics of Manning licking his bars was in the weekly report. The chain of this information went from guard to me, and from me to MSgt Papakie and yourself via the weekly report. To my understanding this report goes from yourself to our Commanding Officer, then to Col Choike who I assume briefs LtGen Flynn, for the reason of them being "in the know" for anything concerning Manning's confinement. It appears that information from this report is going in other directions, and I'm just not sure if that is planned or appropriate, and if it is not, who needs to know. This may all be by design above our heads, but I'm not comfortable sitting on this information and potentially leaving you or MSgt Papakie open to being blindsided.

Respectfully,  
GySgt Blenis, C.M.  
Quantico Base Brig  
Programs Chief  
(703)784-6862

INITIAL CUSTODY CLASSIFICATION			
1. DATE (YYYYMMDD) 20100729	2. INTERVIEWER NAME HANKS, R.W./CPL	3. (X one) <input checked="" type="checkbox"/> DETAINED <input type="checkbox"/> ADJUDGED	
4. IDENTIFICATION			
a. PRISONER NAME (Last, First, Middle) MANNING, BRADLEY E.	b. SSN [REDACTED]	c. GRADE E-3	d. SEX (X one) <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE
5. ADMINISTRATIVE FACTORS (X as applicable)			NO YES
a. SUICIDE RISK			<input checked="" type="checkbox"/>
b. PHYSICAL HEALTH PROBLEM			<input checked="" type="checkbox"/>
c. MENTAL HEALTH PROBLEM			<input checked="" type="checkbox"/>
d. SPECIAL QUARTERS			<input checked="" type="checkbox"/>
6. MANAGEMENT FACTORS (Enter point values)			POINTS
a. OFFENSE OFFENSE SEVERITY = 1 - 8			1
b. SUBSTANCE ABUSE YES x 1 = 1    YES x 2 = 2    YES x 3 = 3    YES x 4 = 4			0
c. PENDING CHARGES/WARRANTS/DETAINEES NO = 0    YES = (Enter points from Offense Severity Scale)			0
d. HISTORY OF VIOLENCE QUESTION (2) - YES = 2    QUESTION (3) - YES = 4    QUESTION (4) - YES = 6    QUESTION (5) - YES = 8			4
e. HISTORY OF ESCAPE NO = 0    YES = 8			0
f. LENGTH OF SENTENCE TIME REMAINING DETAINEE OR < 90 DAYS = 0    91 DAYS - 1 YEAR = 1    1+ TO 3 YEARS = 2    3+ TO 5 YEARS = 3 5+ TO 10 YEARS = 5    10+ YEARS = 7    LIFE/DEATH = 8			0
g. TOTAL POINTS			5
7. SCREENING DECISION (X one)			
<input type="checkbox"/> MEDIUM-IN (0 - 11 Points)		<input checked="" type="checkbox"/> MAXIMUM (12+ Points)	
8. FINAL DECISION			
a. OVERRIDE (X one)			
<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES -	CODE	<input type="checkbox"/> NOT APPLICABLE (Policy)
b. RATIONALE SND WAS UNDER CONSTANT SUICIDE WATCH PRIOR TO BEING CONFINED IN THIS FACILITY FOR MULTIPLE MONTHS.			
9. DECIDING AUTHORITY			
a. NAME HANKS, R.W.	b. GRADE E-4	c. TITLE DUTY BRIG SUPERVISOR	d. SIGNATURE 
10. CUSTODY DECISION MAX/INDX /SR			

# CLASSIFICATION WORKSHEET

11. DATE (YYYYMMDD) 20100729	12. TIME 2200	13. INTERVIEWER NAME HANKS, R. W./CPL	14. (X one) <input checked="" type="checkbox"/> DETAINED <input type="checkbox"/> ADJUDGED
15. ADMINISTRATIVE FACTORS			
a. SUICIDE RISK			
(1) HOW DO YOU FEEL ABOUT BEING HERE? SND STATES THAT HE FEELS CONFUSED			
(2) HAVE YOU EVER THOUGHT ABOUT COMMITTING SUICIDE? (X)	NO	YES	
(3) DID YOU MAKE A PLAN TO COMMIT SUICIDE?		YES	<input checked="" type="checkbox"/>
(4) HAVE YOU EVER ATTEMPTED SUICIDE? (If Yes, when and how?)	<input checked="" type="checkbox"/>		
b. PHYSICAL HEALTH PROBLEM			
(1) DO YOU HAVE A CONTAGIOUS DISEASE? (If Yes, what?)	NO	YES	
(2) DO YOU HAVE ANY PHYSICAL PROBLEMS? (If Yes, what?)	<input checked="" type="checkbox"/>		
(3) ARE YOU TAKING ANY MEDICATIONS? (If Yes, give reason)		YES	<input checked="" type="checkbox"/>
ANXIETY AND DEPRESSION			
c. MENTAL HEALTH			
(1) DO YOU HAVE ANY MENTAL PROBLEMS? (If Yes, what?)	NO	YES	
GENERALIZED ANXIETY DISORDER, DEPRESSION, GENDER IDENTITY DISORDER, ADDHD		YES	<input checked="" type="checkbox"/>
(2) WERE YOU EVER HOSPITALIZED FOR MENTAL PROBLEMS? (If Yes, when?)	<input checked="" type="checkbox"/>		
d. SPECIAL QUARTERS			
TO YOUR KNOWLEDGE, DO YOU HAVE ANY ENEMIES IN THIS FACILITY? (If Yes, who and why?)	NO	YES	
	<input checked="" type="checkbox"/>		

## CLASSIFICATION WORKSHEET (Continued)

## 18. MANAGEMENT FACTORS

## a. WHAT CHARGE(S) ARE YOU CONFINED FOR?

128, 134

## b. SUBSTANCE ABUSE (X)

NO YES

(1) HAVE YOU EVER USED DRUGS OR ALCOHOL?

DRUGS X

ALCOHOL X

(2) HAVE YOU USED DRUGS/ALCOHOL IN THIS ENLISTMENT?

DRUGS X

ALCOHOL X

(If answer to both (1) and (2) is No, skip to 16.c. If either (1) or (2) is Yes, continue lines (3) through (6).)

(3) HAVE YOU EVER BEEN DISCIPLINED IN THE SERVICE OR FIRED FROM A JOB BECAUSE OF DRUG OR ALCOHOL USE?

X

(4) HAS DRUG/ALCOHOL USE EVER LED TO FAMILY PROBLEMS OR CONFLICTS?

X

(5) HAVE YOU EVER BEEN ARRESTED WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL?

X

(6) HAS USE OF DRUGS/ALCOHOL RESULTED IN OTHER PROBLEMS, SUCH AS BLACKOUTS OR LOSS OF FRIENDS?

X

## c. PENDING CHARGES/WARRANTS/DETAINERS

DO YOU HAVE ANY OUTSTANDING WARRANTS/DETAINERS OR ADDITIONAL PENDING CHARGES? (If Yes, explain)

NO YES

X

## d. HISTORY OF VIOLENCE (X)

NO YES

(1) HAVE YOU EVER ASSAULTED ANOTHER PERSON?

X

(If No, skip to 16.e. If Yes, answer (2) through (7).)

(2) NON-PHYSICAL ALTERCATION

X

(3) ASSAULT WITHOUT A WEAPON

X

(4) ASSAULT WITH A WEAPON

X

(5) MULTIPLE ASSAULTS

X

(6) AGE AT TIME OF INCIDENT(S)

22

(7) EXPLAIN INCIDENT(S)

PUNCHED A FELOW SOLDIER FOR NO REASON

## e. HISTORY OF ESCAPE (X as appropriate. Assign 6 points in item 6.e. If answer is Yes to any of the following questions.)

NO YES

(1) HAVE YOU EVER ESCAPED OR ATTEMPTED TO ESCAPE CONFINEMENT?

X

(2) WERE YOU EVER APPREHENDED ON A PAROLE VIOLATION?

X

(3) HAVE YOU EVER RESISTED ARREST?

X

(4) DID YOU EVER INITIATE A PERIOD OF UNAUTHORIZED ABSENCE WHILE OTHER CHARGES WERE PENDING?

X

## INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

**USE OF FORM** - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

**COPIES** - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

**ARRANGEMENT** - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.

2. Judge advocate's review pursuant to Article 64(a), if any.

3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.

4. Briefs of counsel submitted after trial, if any (Article 38(c)).

5. DD Form 494, "Court-Martial Data Sheet."

6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.

7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

a. Errata sheet, if any.

b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.

c. Record of proceedings in court, including Article 39(a) sessions, if any.

d. Authentication sheet, followed by certificate of correction, if any.

e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.

f. Exhibits admitted in evidence.

g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.

h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.